

XI

554 Ritual status gives a man vague influence in his locality; but
562 authority only in specific ritual situations. Sex and age are
593 two, more general, conditioning attributes of local influence. Women and children have always a position inferior to that of men. Women occasionally gain a reputation as prophets and magicians but, as a rule, they play no leading part in public affairs. Among the Nuer, relations between the sexes, and between man and wife, are more equitable and give females more privilege than in any other tribe I have visited in the Southern Sudan. Nevertheless, they are subject to men: daughters to their fathers and wives to their husbands. Boys are under the command of their parents and elder brothers and only become full tribesmen, with the privileges and responsibilities of such, at initiation. The relations between the sexes and between children and adults belong rather to an account of domestic relations than to a study of political institutions.

561 When a lad has passed through initiation he becomes 'a man'
623 and when he has married and begotten several children he becomes 'a true man', what we have called an elder. We have from time to time spoken of the part played by elders in homicides and other disputes. When a local community acts corporately and leadership and advice are required, these functions rest with the elders. They decide when seasonal moves are to be made and where camps are to be formed, negotiate marriages, advise on questions of exogamy, perform sacrifices, and so forth. Their opinions on such matters are readily accepted by the younger men, who take little part in the talk unless they are directly concerned in the issue. When the elders disagree there is much shouting and argument, for every one who wishes to speak does so and as often and loud as he pleases. The words of some elders count for more than the words of others and one easily observes that their opinions are usually agreed to.

561 These elders are members of central age-sets, at the present time the *Maker* and *Dangwaga*, for members of the most senior sets, the *Thud* and *Boiloc*, take little part in public life. We discuss in Chapter VI the relations between age-sets. Here we

769 are buried quickly and crudely in unvisited and unremembered tombs; only in very rare cases are sacrifices offered to them; and there are no sacred places associated with them.

[181] Thus Nuer have always felt themselves free to wander as they
613 pleased, and if a man is unhappy, his family sick, his herds declining, his garden exhausted, his relations with some of his
● 593 neighbours uncongenial, or merely if he is restless, he moves to
607 a different part of the country and resides with some kinsmen.
601 It is seldom that a man goes alone, for brothers are a corporate group and, especially if they are sons of one mother, stick together. So, frequently as a result of quarrels, a group of brothers will often leave a village and settle elsewhere. Nuer say that they usually make for the home of a married sister, where they are certain to be well received. Here they are respected as *jiciengthu*, in-laws, and their children accepted as *gaat nār*, children of the mother's brother, while the people they join are to them *cieng conyimar*, the people of my sister's husband, and *gaat nyal*, children of a female agnate, and *gaat waca*, children of the father's sister. A man who changes his residence thus becomes a member of a different community and enters into intimate relations with the dominant lineage of that community. When a GAATIEK man said to me, 'Now that I have come to settle in *Cieng Kwoth* I am a man of *Cieng Kwoth*', he meant that outside ceremonial situations he identified himself with the *KWOTH* lineage rather than with his own.

613 Even one man is a potential lineage and several brothers even
621 more so. A minimal, and then a minor, lineage comes into being which has only ritual status towards the other lineages of its clan, whereas with the people in whose village and district its members have grown up it has a mutuality of interests and a community of experience. The group thus develops into a distinct lineage. It intermarries with the other people of its home and very often it intermarries so frequently with the dominant lineage of the district that further marriage between them becomes impossible without breaking incest regulations. In this way lineages twine around one another and a texture of cognatic relationships unites all members of the community. Only a few such lineages establish themselves and survive as lineages. Many either die out or lose much of their individuality

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588 *Another factor which has certainly had some influence in*
 bringing about attachments of outsiders to groups of agnatic kin,
 other than their own is the custom of concubinage, the different
 [591] forms of which I describe in detail later. It is a very common practice for widows to leave their dead husbands' homes and to take lovers in the villages of their parents, or to go to reside in the villages of their lovers. When they do so they take their young children with them, and though the sons almost invariably return to their paternal homes before initiation, they have grown up in the homes of their maternal kinsmen, or of their foster fathers' kin, and may have so strong an affection for them that they later return to reside with them, at any rate for a time, when they are married men and their own masters.

• [593] Widows, whether living in their maternal villages or in their dead husbands' villages, attract lovers, sometimes from the village, sometimes from a neighbouring village. In either case a new social tie is established, and the lovers may continue to cohabit with the widows as members of their communities for long periods and nurture the children they beget by them. A poor man is only too glad to obtain a housekeeper and mate without expense by means of either widow-concubinage or unmarried concubinage, and if he is an unadopted Dinka he may remain with the concubine and his children by her.

There are in Nuerland a considerable number of unmarried concubines. The sons they bear to lovers become the legal children of these lovers by payment of cattle, but they do not feel so securely attached to the homes of their fathers as do children born of the union of marriage and there is a tendency for sons of the same woman by different fathers to stick together, usually wherever their mother may be, especially if the fathers are dead or if they do not possess large herds.

591 There are two other facts to be taken into consideration. Among Nuer it is not uncommon for a man to make his home among his wife's people, though in my experience a true Nuer usually returns to his own people eventually. As I have explained, sons-in-law who live with their wives' people are often Dinka, and Dinka are likely to remain with their affines, as they may have no kin of their own to return to; but one also finds Nuer in the same position. These may be persons who for one reason or another prefer to live apart from their paternal kin, or they may be poor men who cannot afford to pay the full bridewealth, part of which is forgone by the

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Intercourse does not necessarily take place when a youth and maid are alone together on the night of a dance. When the relationship between them is a *luom buol*, a dance love affair, or *luom thura*, a dancing-ground love affair, a more or less constant attachment, and not a *luom goka*, a love affair of the high grasses, casual lust, I was told that the girl is likely to refuse her favours, though he will entreat for them, unless she feels sure that he intends to marry her and has the cattle with which to do so, for no respectable girl wants to be a *keagh*, an unmarried mother. No attempt is made to conceal an attachment of this kind, which indeed imposes on the girl modesty and shyness towards her lover in the presence of other persons such as a bride is expected to show towards her bridegroom or a newly-wed towards her husband. 883
856

Parents are not cognizant of all the love affairs of their children, but if a girl forms a constant attachment she may tell her mother about it, and a father will probably hear of a similar attachment of his son. They are not likely to say anything unless there is danger of incest. All the young men of a hamlet or small village, who are kinsmen and dance together, know of one another's courtships and escapades. Likewise, all the girls know about one another's lovers and amours, for they also keep together at dances. The only person who may interfere is a brother in an affair of his sister, for her virtue is his responsibility, but he will only do so in certain circumstances. He keeps an eye on his sister and knows who is courting her, but he will only come between her and her lover if he suspects that she is having regular relations with a man without cattle or that she is giving herself to all and sundry. [593]●

It not infrequently happens that a girl becomes pregnant while still unmarried. If the young man has cattle he will be expected to marry her, and if she is not a profligate he will be glad to do so. If he has insufficient cattle he cannot do so, and though another man will not object to taking her as a wife, he is more likely to take her as a second wife than as a first wife, and he will pay fewer cattle for her bridewealth. It is therefore in the brother's interest to see that this does not happen. It is also in his interest to prevent his sister from becoming a wanton. A man does not expect his bride to be a virgin, but he does not care to marry a jade. A girl of easy virtue may find plenty of lovers but no suitors, and after bearing an illegitimate child is likely to become a concubine for the rest of her life, to the detriment of her family herd. 848

CHAPTER IV THE FAMILY

I

- 593 SIMPLE legal marriage and the simple legal family which derives from it are standards to which the other kinds of union and family I have described are made to approximate in the interrelations of the persons concerned as far as circumstances permit. Even in widow-concubinage and in simple concubinage the male partner takes on himself, though to a lesser degree than a true husband, the attitude of respect a man should display to his parents-in-law. A man who lives with a woman and her children, whether as the legal representative of the husband and pater or not, models his relations with them on those obtaining in the home of a simple legal family. It is of such a home and family that I now give some account.

- 592 We noted in the first chapter that a Nuer homestead, the home of a family, to the household of which other kin may be attached, consists of a byre and its attendant hutor huts. The byre, a massive wattle-and-daub structure of some 15 to 20 feet in diameter, is the material and moral centre of the homestead. A man who builds a byre has started a family, herd, and home of his own. The byre stands for the father's status in the family. While he is alive his wives and sons and daughters are bound to him.

The byre *looks on as the kua'* and is the sleeping-place of the cattle in the rains; and some of the young men of the household may also sleep there, on a platform over the dung fire kept burning in the centre of it to give the cattle protection from mosquitoes. In the daytime it is the club-room of the household and the guest-room of the homestead, for byres, besides signifying the presence of a family and its head, are centres of social life in Nuer villages. When one sees a hut by itself it means that the byre has fallen down and has not yet been rebuilt or that the owner of the hut possesses at the time too few cattle to make it worth his while to build a byre for himself, since he can easily house his animals in that of a kinsman; unless it is the hut of an old widow or of a semi-detached concubine, neither of whom are likely to have cattle of their own. It sometimes happens that even an unmarried man

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of the byre as the men's dormitory and club, and the shrine is placed at its entrance. Small grass beehive huts take the place of the wattle-and-daub huts of the villages as the dwellings of the womenfolk of the home. 592

The polygamous family is a unit, the *gol* of the husband of the several wives. '*Jigoala*', 'the people of my hearth', are my family in this inclusive sense. But the children of each wife also belong exclusively to her *dwil* (or *ut*), hut, and to her *mac*, cooking-fire, so that the polygamous family is divided into a number of separate domestic groups within the larger whole. The huts of the different wives are the centres of these elementary families which have a common husband and father. Outside her hut each wife has her *buor*, a mud windscreen, against which she makes her cooking-fire, and near to it is her *thung*, a plastered hole in the ground for pounding millet (she has another fire-place and another pounding-hole inside her hut for use on rainy days). This mud screen, the top of which is fashioned into three humps, is the sign of a married woman's status as the mistress of her home and the mother of children, just as the hearth in the byre is the sign of a man's status as the father of a family and the master of household and herd; and it also has ritual associations, for sacrifices are made near it. It is the centre of a married woman's life. Here her friends and neighbours gossip with her when she is working or in the evening when work is done. 595

As boys grow up they attach themselves more and more to the byre, but each remains, both in sentiment and by social alinement, also a member of his mother's hut. Hence one may distinguish between full brothers and paternal half-brothers by saying that the first are brothers *kwi dwiel*, on the side of the hut (as we say, on the distaff side), while the second are brothers *kwi luak*, on the side of the byre (as we say, on the spear-side); and this distinction is a fundamental one in Nuer society, for it runs not only through the family but through the kin also, and is moreover the paradigm of the lineage structure. [593 • 611]

With the huts go the gardens, with the byre go the cattle and the kraal. Each wife has her own garden and granaries, and with her millet she makes porridge for herself and her daughters, small sons, and guests, and also porridge and beer for the men and boys in the byre, the male members of the whole household, only some of whom would be her own sons, and any male neighbours and

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595 guests who may be present. A husband may have a garden of his own, but, if so, he distributes the millet among his wives when their supplies are running short.

422 The cattle belong to the husband. It is the usual practice for a man to divide his cows among his wives, but they only have the

- 593 use of them for milking and cannot dispose of them. A cow given to a wife is merely what Nuer call 'a cow of the churning-gourd', seeing that it is given to the wife only so that she may have milk for her little ones and butter and cheese to pour over her porridge. It is true that the husband ought not to dispose of the cow without consulting her, and I have heard a wife protest strongly that she had not been advised of her husband's intentions; but she cannot refuse her consent to its disposal for the benefit of the family. Nor can she dispose of it herself. When I asked some Nuer whether a wife could give a cow which she always spoke about as 'my cow' to her brother, they wondered whether I was joking: 'Could she do such a thing? Would not her husband kill her? Give one of his cows to her brother indeed! Eh he!' If a man dies, leaving only young children, and his wives remain in his homestead or live with his brothers, they continue to have use of the cows he allocated to them during his lifetime. A dying man may expressly direct that they should do so. However, the trustees of the animals are the dead man's brothers and their disposal is subject to the claims of the family as a whole and must be in their common interest. If a widow tried to remove the cows from the herd and take them to the home of her brother, or of some man with whom she was living in concubinage, her husband's kin would certainly not, except in very special circumstances, permit their dispersal, for the cattle belong to the lineage, to the sons as a whole, who are links between the ancestors and its as yet unborn members. If the sons are men when their father dies they ought to go on living together round a common kraal. Nevertheless, as will be seen, they frequently do not do so. Whether they do so or not, the cattle belong to all of them and should be used, when the herd is large enough, to obtain wives for them in order of seniority, though in practice they are sometimes a bone of contention. Even cattle which come to wives on the marriages of their kinwomen (the cow of the paternal aunt and the cow of the maternal aunt) are not their property in an absolute sense. They have the use of them and should their husband die their sons inherit them, but while the

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422 husband is alive the beasts count as part of his herd and the wives
 593 cannot dispose of them without his consent, which he can withhold. With the consent of the wife concerned, which she would find it difficult to withhold, he can dispose of them for marriages or other purposes.

A man also gives oxen to his sons so that they may display themselves in their company, but, here again, the sons do not have rights in them against their father, who can use the animals for any purpose he thinks fit, including the marriages of other sons than those to whom he has given the beasts, though he would promise a son deprived of his ox to replace it as soon as he could do so. The only cattle a father cannot, or at any rate ought not to, take for his own use without his sons' consent are those which come to them by inheritance, for these are *ghok jookni*, cattle of the ghosts. They may come through a dead mother's right, or the son may be the child of a ghost-marriage or a leviratic marriage and have a right to the herd of his pater, which should not be set aside by the man who is acting in his father's place.

594 The family is an economic unit. Its members, with aid in certain undertakings from kinsmen and neighbours, maintain themselves and provide for their daily needs. None of the broader departments of economy are exclusively the domain of either sex and there is often direct mutual assistance between the sexes in the performance of tasks. Also, tasks which are normally performed by one sex may be performed by the other in circumstances which render this necessary. Nevertheless, there is a clear, and complementary, division of labour between men and women. Boys' work is mostly within the sphere of men's activities, the older boys performing many adult tasks, and, except for milking, they take no part in labour which is never done by men. Girls have the same duties as women, to the extent their age permits.

442 Most of the labour connected with the flocks and herds falls to the men and boys. The work of gardens is shared equally between men and women, sons assisting their mothers and the husband his wives. Only men hunt, and they and the boys do by far the greater part of the fishing. Women collect wild fruits and roots. Men do most of the building and repair of byres and huts, though women do some of the lighter tasks in these activities. Most of the daily tasks of the home, especially the preparation of food by churning, pounding, grinding, cooking, and brewing, are the

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Nuer have told me, though they do not like to speak of it, for it touches on death, that there is what we would call a latent hostility between husband and wife, and indeed between man and woman. They say that when a man has begotten several children by his wife he wants her to die, and may even pray for this to happen, for he does not want to die before her and another man to cohabit with her, rule in his home, use his cattle, and perhaps ill treat his children and rob them of their birthright. Men say also that women in their hearts wish for their husbands' deaths. Whatever may be the significance that should be attached to these statements and to stories in which similar sentiments are expressed, family life among the Nuer is remarkably harmonious on the surface. I attribute this, in part at any rate, to the unchallenged authority of the husband in the home. A woman must obey her husband, and Nuer say that when he swears at her she must not answer back, and that he has the right to chastise her if she neglects her children or domestic duties. They told me that should he kill her (I have never heard of a case of the kind), whatever trouble his action may otherwise bring on him, he will not have to pay compensation, for she belongs to her husband's people and he only destroys what is his own, losing thereby both wife and the cattle he paid for her. No doubt there are cases of cruelty, especially where captive Dinka women are concerned, and I have been told of such, but I must record that during a year spent in intimate contact with Nuer in villages and camps I did not once see a man strike his wife or hear a serious quarrel between spouses, and I believe therefore that these are rare happenings.

Women know their duties and unless they are by nature lazy and slovenly, or wish to goad their husbands into divorcing them, they avoid domestic shortcomings. The husband, for his part, does not interfere with his wife's organization of her duties. So long as she performs them she may do so in her own way. For instance, when there is meat, a man hands it to his wife to prepare and leaves it to her discretion to decide how much of it to keep for herself and her children and how much to serve to the menfolk in the byre. Moreover, it is difficult for a man to ill-treat his wife, even should he wish to do so, for his conduct cannot be kept secret and his kinsmen would certainly intervene on her behalf. I have been told that no reputation in Nuerland is more shameful than that of a wife-beater, a man who prefers *kur men*, fighting with women, to

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- 593 *kur wutni*, fighting with men. Also, a Nuer woman—a Dinka captive is not in so favourable a position—who readily accepts admonishment and correction for faults, would not submit to bullying but would return to her parents and brothers, leaving her husband without cook, dairymaid, and nurse, and therefore unable to maintain his home; and he might find it difficult to persuade her to return. If she does return it will only be after lengthy discussions in her parents' home and, as he is likely to have said something unpleasant about them in altercations with his wife, he may have to pay them a cow in compensation. Even if her father and brothers support her husband, he cannot prevent her from running away again, and this time to some distant relative who is unconcerned alike whether the bridewealth is returned or what the husband's grievances and discomforts may be. Should he decide to divorce her and marry again, he has first to get his cattle back—it is always doubtful whether he will succeed in doing so—and he has then to face two or three years as a bachelor before his new wife comes to live with him. Therefore he will only take this step if his wife shows that she is determined to leave him, or if she is incorrigibly lazy, dirty, foul-mouthed, quarrelsome, or wanton, and occasionally if she is barren. Even if she has these defects he may, rather than go through the tedious process divorce entails, let her depart and bear him children by other men. A man will seldom divorce his wife for adultery unless she is constantly unfaithful.
- 562 With rare exceptions, I found Nuer women well content with their station and that their husbands and other men treated them with respect. In saying that their status in society is high I am (581) judging not so much by the fact that the same number of cattle have to be paid for the homicide of a woman as of a man, and I believe more for a young woman in some parts of Nuerland, but by the part women take in the daily life of the community. They mix freely and with easy assurance with the men, and they do not hesitate to argue with them about matters in which they are interested as women. They have as intimate relations as the men with the cherished cattle, share with them the life of the kraal, and enter the byres when they wish to do so.
- 596 In a polygamous family the relations between husband and wife are complicated by the husband's relations with his other wives. *Nyak*, a co-wife, in its verbal form means both 'to be a co-wife' and,

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wives will be fertile. Abortion is said to be very rare and practised only by unmarried girls. Though the men of the kraal may hope that monorchids and babies born with defects and deformities will not survive, they do not kill them or let them die. The proper care and nurture of children is the concern of the whole family and household, and from the moment of birth care is taken to isolate the child from any contact which might be injurious to it. Even the father keeps away from the mother's hut for the first few days lest he inadvertently cause it some misfortune. The prohibition on coitus between parents till the child is weaned is seldom infringed, although it imposes long abstinence, for the child is suckled till he can digest solid food and can toddle about homestead and camp by himself. Artificial aids to weaning are rarely necessary, infants passing slowly from the breast to cow- and goat-milk, though sometimes they are sent to their maternal grandparents for some weeks to make the break. Children have first claim in the allocation of milk from the herd, and if there is a shortage it is the adults, and not they, who go without. 847 854 853 862

The care of small children falls naturally to the mother, and it is she who feeds and bathes them and attends to their other wants. But the father also takes an interest in his infant children, and one often sees a man nursing his child while the mother is engaged in the tasks of the home. Nuer fathers are proud of their children and give much time to them, petting and spoiling them, giving them titbits, playing with them, and teaching them to talk; and the children are often in the byres with the men. The affection of children for their fathers is very striking in Nuerland. I have never seen a man beat his child or lose his temper with him, however aggravating he might be. When a father speaks crossly to his child, as he does if, let us say, the child goes to the edge of a river or among the cattle, where he may be injured, it is evident that the child is not afraid of his loud words and obeys from affection rather than fear. In his first years a child is corrected by his mother and elder brothers and sisters, who may give him a few strokes with a grass switch if he is naughty. 851 593 861

Daughters grow up under the direction of their mothers. Mother and elder sisters give a girl training in household tasks and what moral advice and worldly wisdom they care to impart. The father takes little interest in the affairs of his daughters. His chief concern with them is to ensure that they are well married. 867 868 593

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868 Boys come under their father's direction. He and the other men of the kraal see that they carry out their duties in the care of flocks and herds. Boys learn from their elder brothers and cousins how to fish, hunt, cultivate, dance, flirt, and engage in the other activities of men. A boy can see the stages of his life before him—initiation, courtship, marriage, and the starting of a family and home—and he realizes even in childhood that these stages are bound up with his father's herd, and that he and his brothers have a common interest with their father in the herd. It is very noticeable that when boys talk about the cattle it is in reference to marriage and when girls talk about them it is in reference to milk.

593 In my experience, it is only when a father is selfish or extravagant in his use of the herd that, even when his sons are men, any serious disagreement is likely to arise between them. Even then, young men submit to their father's indiscretions. If they may show their disapproval by going to stay with relatives for a time they say little, partly, no doubt, because they fear a father's anger and curse, but chiefly, I believe, because, in spite of faults, they love and respect their fathers. Though relations between a father and his son may be strained, the sorrow and anxiety of the son should his father fall sick are most apparent. Nuer say that should father and son fail altogether to agree the son may go to live permanently with his maternal uncle, but this would be a most serious offence in the eyes of Nuer, being *lakene mar*, the breaking of kinship. I have never known it happen.

Boys treat their mothers with affection, though they are off-handed with them and are sometimes rude to them. When they are approaching the threshold of manhood a feeling of male superiority seems to affect their attitude to their mothers. I was told that a youth would never interfere on his mother's behalf should his father be angry with her, though should the father wish to beat her the son would not reveal her hiding-place lest she [842] should curse him. A mother's curse prevents a man from begetting male children. Fear of it was the reason given me for the care Nuer take of their mothers when they are very old, carrying them on their shoulders from village to camp and from camp to village, but, here again, I think that natural affection is a stronger motive.

My observations of the relations between parents and children do not permit me to develop the subject beyond such general impressions as I have given. I would like, however, to draw attention

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to the peculiar position in each elementary family of the eldest child.* The eldest child of either sex is known as *gai ma keagh* and (601] the mother may address him (or her) as *keaghda*, my first-born. This child must never use the spoon of his father or mother, and I have sometimes been given to understand that this is one of the reasons for the bringing up of an eldest child by his maternal grandparents, it being felt better to keep him away from his parents' home till he is of an age to observe the prohibition. He must also avoid sleeping or sitting on his mother's sleeping-hide, for this may make her barren and may also injure the father, the child himself, and the cattle. I believe also that if the eldest child is a girl she may not use the horns of female animals for any purpose. When an eldest male child is initiated an extra incision is made, at any rate in some parts of Nuerland, on his forehead—seven instead of the usual six—and an ox must be sacrificed at the ceremony, whereas a goat or sheep may be considered sufficient for a younger son. Parents, especially the mother, and maternal uncles are said to fear the curse of an eldest child. (603]

These customs relating to the eldest child are an indication of his special position in the family and kinship system. He is born in his mother's home and ought to be brought up there if his maternal grandmother is alive. If she is dead the child will probably be brought up by his parents till he is about six years of age, and then go to his maternal uncle till puberty. The eldest child is the keystone of the marriage. Till he is born the marriage is not regarded as complete. He is also the link through which the kin of the father and the kin of the mother are brought into relations of kinship with one another, for the child is the child of the mother's people as well as the child of the father's people. It is true that he belongs to his father's lineage, because he is the child of their cattle, but the sentimental claim of his mother's people to their daughter's child is recognized in their right to bring the child up in their home. (602]

Indeed it must be acknowledged that in Nuer family life there is always a pull on the children in both directions: a pull of legal and religious norms and of the whole pattern of the politico-social

* The youngest child, the *pek*, also has a special position in the family, an indication of which in a male child is in some tribes the cutting of an extra line on his forehead at initiation, as in the case of an eldest male child. I am not certain, however, how socially significant is his position.

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593 structure towards the father's kin and lineage, and a pull of personal affection towards the mother's people. Rights in the herd, duties of blood revenge, and status in the community hold a man to his father's kin, but with these go jealousy about cattle, resentment against authority, and personal rivalries. A man has no rights in his maternal uncle's herd, he has no obligation to assist his maternal uncle's people in their feuds, and he has no hereditary status in his maternal uncle's community. But the fact that he lacks these rights and duties and status means that he is not burdened with the disputes and tensions they engender. The paternal ties are stronger, if there is a touch of hardness in them. The maternal ties are weaker and for this reason are tenderer. In the Nuer family the tension is greatest in the case of the eldest child, especially an eldest son, for both families more strongly assert their rights in him than in the younger children, but it is inherent in the nature of the Nuer family and has also a more general social significance in the counter-attraction of the lineage on one side and the wider society on the other.

595 This pull in opposite directions, towards the father's kin and towards the mother's kin, is most evident in polygamous families, where the sons of each hut have different sets of kinsmen on the mother's side. I cannot say what is the frequency of polygamy in Nuer society, and it would in any case be difficult, in view of the variety of Nuer domestic unions, to decide on a criterion of polygamy; but though monogamous marriage is much commoner, polygamy is frequent enough to have set its stamp, through its association with wealth and social influence, on the lineage system. The polygamous family is for the Nuer the ideal form of family life and every man would like to attain to it. It has therefore importance out of all proportion to the actual number of such families. The values and the whole conception of the lineage system are reflected in it.

613 A Nuer lineage is often named after a woman, its ancestress, because lineages are generally thought of as dividing out from within a polygamous family. They cannot be differentiated by reference to the name of the father of the founders of the different lines of descent, but only by reference to the names of the founders themselves or of their mothers. Thus the typical lineage structure is conceived of as being present in the structure of the polygamous family and in the distribution of huts in the homestead it occupies.

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This is why a lineage is generally called a *thok dwiel*, the entrance ⁶¹³ to the hut—not the byre—or a *thok mac*, the hearth of the fire at which women cook—not that around which men sit and sleep.

There is involved here a contradiction between the dogma of the ⁵⁹³ unity of brothers, which the Nuer so often enunciate, and both the lineage system and the common experience of family life. It is a cardinal teaching that all brothers are equal and undivided, for they are all sons of the same father and therefore, through their identification with him, equivalent in the lineage. Maternal descent does not count within the lineage and therefore ought not to count within the family, for by the agnatic principle in Nuer social life the family derives from the father. Hence, Nuer say, if your uterine brother and your paternal half-brother quarrel you must not enter the dispute on your uterine brother's side, because by so doing you divide the family. You split, as it were, the father.

That the huts do not divide the byre is particularly emphasized ⁵⁹³ by, and in, the rule, previously referred to in our discussion of ⁵⁸² bridewealth, that brothers must marry in order of seniority of birth, a division by age reinforced by the distinctions of the age-set system, irrespective of whether in each marriage the cattle of the bridewealth came into the family herd from the previous marriages of the particular brother's full or half-sisters. Also, all the brothers must marry before any one of them takes a second wife. Even after the father is dead, opinion enforces this rule. It is only when, as rarely happens, there are enough cattle for a further marriage from the herd before the younger brothers are old enough to take wives that an elder brother may marry a second wife before they are married. When a man dies his eldest son takes his place as head of the family: 'He changes himself into something like their father.' It is then his duty to see that his unmarried brothers are not unfairly treated. Should the family disperse and one of the brothers attempt to take for himself all 'the cattle of the mother' of his uterine sisters' marriages, and refuse to allow them to be used for the marriage of a half-brother who is the senior of the unmarried sons of the family, it might prove difficult to prevent his doing so; but were he to do so, he would cut himself off from his brothers and paternal kinsmen. They would not any more assist him in his troubles and quarrels. They may even let him be killed unaided and recoup themselves for his past meanness

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593 with the cattle they receive in compensation for his death.' This is
592 the final and, to a Nuer, most frightful sanction.

593 Nuer feelings about this matter are reflected in their use of kin-
601 ship terms. Although '*demar*' (or '*gatmar*') means 'my uterine
brother' and '*gatguar*' is the term for 'my father's son' (paternal
half-brother), they almost invariably use the term for the uterine
brother to refer to, or address, the half-brother and keep the term
for 'father's son' to speak about or address paternal cousins. To
address a father's son by the term for this relationship is regarded
as very bad form because it makes a cleavage in the family. It
would be even worse to call your full brother '*gatguar*', 'my
father's son'. The term would only be used for this person as an
affectionate meiosis. In the same way, a man must not address his
paternal half-sister by the term for this relationship ('*nyigwa*'), for
'*nyagur e jen nyimor*', 'your father's daughter (paternal half-
sister) is your mother's daughter (full sister)'. It is true, as will be
seen in the next chapter, that there is a general tendency for Nuer
to use kinship terms for persons who stand in a more distant
relationship to those which they denote and that the terms '*demar*'
(*gatmar*) and '*nyimor*' are freely used for almost any person of
a man's own generation, but Nuer particularly emphasize the
need for this displacement in the case of half-brothers and half-
sisters. Nuer have told me that they are so anxious not to dis-
tinguish between full and half-brothers that should a man go with
his half-brother to visit his mother's sister's home, the young men
of that home will make a point of greeting the half-brother first
and of addressing him as '*gatmar*', 'son of my mother', before
addressing their true mother's sister's son by this term (which
correctly applies to him and not to his half-brother). I have earlier
noted that the wife of one brother is spoken about as the wife of
all the brothers and her children as the children of them all.

505 But although Nuer are constantly asserting the solidarity of the
545 polygamous family, it is as evident to themselves as it is to the
observer that things are often different. They recognize that
whereas full brothers pool their resources, helping each other even
to the point of forgoing their rights, paternal half-brothers insist
on their rights and try to avoid their obligations, doing for each
other only what self-interest demands of them. Nuer are not
surprised at—they expect—coldness between half-brothers, and
disagreements and disputes between them, and between paternal

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cousins, are endemic in Nuer society. Quarrels between half-⁵⁹⁵ brothers are a frequent theme in stories of the separation of lineages and the dispersal of paternal kin. They are the 'bulls' of ⁵⁹³ whom I said in Chapter I that each goes his own way and seeks to gather round himself a separate cluster of kin and affines. Even when there are no disagreements half-brothers tend to drift apart after the death of their father, especially after they are married, and go to live with their different maternal and affinal kin.

However, sons ought to continue to live together on the death of their father, and it is hoped that they will do so. If they live together there is less chance of unfairness in the disposal of the cattle and of resultant disputes. A man may anticipate difficulties of the kind by directing before his death how his herd is to be divided among his sons. If he does not do this, it ought to remain undivided till all the sons are married. What is left of it may then be divided among them at a family council. There is more likelihood of this being done if all the sons live together, for then, even though the herd is divided among the huts, it is still very much a single herd in a common kraal. When one of the brothers wants to marry, the different huts will all 'loosen cattle' for his marriage, as they would have done had the father been alive. But if a widow takes her sons to her own kin or to the home of a lover in a distant part of the country, the half-brothers who remain in their father's home are less inclined to help them when they want to marry, and if they have no uterine sisters they may then find it difficult to do so. Nevertheless, a boy without uterine sisters is to some extent protected by the rules governing division of bridewealth, which ensure that he will receive at least some of the cattle of the marriages of his paternal half-sisters. He will also receive cattle on the marriages of other female relatives: the daughters of his father's brothers and sisters and the daughters of his mother's brothers and sisters. He may possibly also receive ~~wag-~~ ⁵⁹³ ~~new~~ cattle of his grandparents. Though he lives apart from them, his half-brothers will not seek to deprive him of his rights in bridewealth, even if they are not ready to help him by gifts from their own herds.

In discussing the shortcomings of half-brothers Nuer often further mention the obligation to marry a wife to the name of a man who dies without heirs. If he leaves behind an unmarried uterine brother, this brother will use the cattle brought into the

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593 home on the marriage of one of their sisters to take a wife in his name. If he had only half-brothers it is feared that they may try to 'blot out' the dead man's name and use the cattle to marry wives in their own names. To prevent this it is said that the dead man's mother's people may, if there was no close friendship between him and his half-brothers, arrange for his uterine sister to marry a wife to his name. Her husband then takes the cattle which would have gone to the dead man on the marriages of his sisters and makes the arrangements for his wife to marry a wife to his name with them, though he does not himself cohabit with this wife. Nuer say that in affairs of this kind a sister's son can be trusted better than a paternal half-brother. As I have mentioned in the last chapter, the disposal of widows may occasion rancour among paternal half-brothers.

604 The distinction between full and half-brothers runs right the way through the Nuer kinship system. Nuer say that '*gurlen kwi dwiel*', 'your father's brother on the side of the hut' (his uterine brother), is a real father to you, but '*gurlen kwi lusk*', 'your father's brother on the side of the byre' (his paternal half-brother), is only a father in his talk. If your father is dead and you are still a boy he may take advantage of your youth to deprive you of your rights. Similarly, Nuer say that the *nar mande* (or *nar kwi dwiel*), the mother's uterine brother, is a real mother and father, but not the *nar gwande* (or *nar kwi lusk*), the mother's paternal half-brother. I once asked a youth who was threatening to fight his maternal uncle over an insult he considered he had received from him, 'But surely he is your maternal uncle?' 'Yes,' he replied, 'but only a maternal uncle on the father's side.'

593 When we speak of uncles on the byre-side we speak of half-brothers of the parents who own their own herds and homesteads, maybe in different villages, districts, or even tribes. They have already become distinct points of growth on the lineage branch. There is no pretence here that they are undivided. This dogma does not go beyond the family: sons in relation to their father. As we have seen, within the family it is the assertion of an ideal in the face of recognized social actualities which only partly conform to it; for the difference between full and half-brothers, or between the huts, in a family is both marked and a matter of concern to Nuer. It is clearly connected with the lineage structure and with the importance of the maternal kin in social life, which is related

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- 593 to that structure, for both act to pull apart the children of different wives of the same husband.

593 I shall return to the distinction between full and half-brothers
611 when discussing the Nuer kinship system. We will then see how categories of relationship fall into two broad classes: the 'bulls', the paternal kin and members of the lineage, and those traced in one way or another through women, the *gastnyiet*, the children of girls. Half-brothers are 'bulls', but full brothers, who form the closest of all relationships except for that of twins,* are not only paternal kin but also maternal kin. A full brother 'is like your mother and your father'.

III

- 593 Complicated patterns of family relationships arise from the different forms of domestic union I described in the last chapter, and a rather lengthy discussion of them cannot be avoided.

Often there is opposition between the interests of the legal family and the interests of these other bio-domestic groups; that is to say, between the interests of the group united by marriage and descent and the interests of the procreative group united by common residence and life. When a child is a member of both groups it sometimes happens that the privileges he derives from membership of the one clash with his feelings towards the people of the other. The extent to which this opposition affects the lives of the persons concerned depends on conditions which vary in each case. It is impossible in advance to know how any particular person will be affected, and one can only guess how he will act when one knows the characters as well as the status of the people involved. But the normative principles that govern the behaviour of parents and children may be explained. In any particular case their actions will tend to follow the lines here laid down. Only the position of sons is considered. Daughters will not remain with either their genitor or the kinsmen of their pater, but will become members of their husbands' households. Control over their persons is therefore not disputed, and division of their bridewealth is so well defined by custom that it is a matter of minor importance where they are brought up.

- 845 * Twins have a peculiar social position, being treated as one person, and are the object of special observances which I have described in detail in the *Uganda Journal* (1936).

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The simple legal family in which husband and wife are both legal and natural parents of the children has great cohesion and permanent lines of descent join father and sons. It has the advantage over the other domestic groups under discussion that the formal status of its members towards one another is generally in harmony with their sentiments. For example, the respect and affection of a son for a father are directed towards a legal father. Also, even when there is friction between son and father, there is no opposing group to which the son can attach himself without losing to some extent the privileges of his birthright. This is the sense of a remark made to me by a youth who was openly on bad terms with his father: 'If he (my father) had been my genitor only (and not my pater) I would long ago have left him and started a kraal of my own.' A youth is firmly bound to his family from motives of self-interest no less than from habit and sentiment of home. If he leaves them he will not go to live at the home of another man he calls 'father' but with his mother's kin or with affinal relations.

When a man marries a wife to the name of his father or brother or paternal uncle, the relations between the members of the group that ensues are the same as those between members of a simple legal family during the childhood and boyhood of the sons, as far as can be judged by behaviour and expression of sentiment, and it is only in legal alignment that the groups differ; but when the sons become men there is a significant difference between them. A son of a simple legal family has no property rights independent of his father. But when, for example, a man has married a wife in the name of his paternal uncle, the son he begets is his father's brother's son and belongs to a different family to that of the man who begat him. When the son grows up his legal personality is merged in that of his dead pater, whose status he assumes and whose property rights he inherits. If the pater left cattle the genitor ought to have held them in trust for his sons. Even if the pater, as is often the case, had no cattle when he died, he had potential rights in his family herd and in the bridewealth of sisters and kinswomen, and these rights his sons inherit. Consequently, if a son born in the union of ghost-marriage does not agree with the man who stands in the place of his pater, he is able more easily to take up an independent position than a son born of simple legal marriage. However, I know of no serious dispute

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between a ghost-son and his genitor where they are paternal kin, for the genitor stands in the place of the pater and has the same desire to see his sons, having probably no legal children of his own, happy and wealthy as a pater has. A ghost-son is generally content to see his genitor dispose of his cattle during his boyhood, knowing that when he is old enough to marry he will be provided for.

When a man marries a wife in the name of his maternal uncle a difficult situation may arise. Such a marriage usually takes place when the dead man has no close paternal kinsmen; and the sister's son often marries the wife with part of the uncle's herd and takes charge of the remainder of it. In childhood the relations between parents and children are the same as those in a ghost-family in which pater and genitor are paternal kinsmen, but when the sons grow up differences between them and their genitor are likely to be acute if the genitor has abused his trust. It is less an abuse for a paternal kinsman to use the dead man's cattle for his own purposes, since they both belong to the same agnatic and cattle-group, than for a sister's son to do the same, for the sister's son is not a member of the lineage of the pater and has no rights in their cattle. When the daughters he begets by his maternal uncle's wife are married he ought to keep the cattle of their bridewealth till the brothers of the girls are old enough to marry with them. Nevertheless, he may take advantage of their minority. Since the dead man's paternal kin are unlikely to be very close kin, they may do little beyond protesting, especially if, as is probable, the sister's son lives among them; but there is almost certain to be bad feeling in the family. The position of the sons is difficult, and the conflict between their regard for their genitor, whom they have always regarded as their father in every practical sense, and their resentment at the injustice done to them may only be solved by their going eventually to join the household of some paternal kinsman of their pater.

If he is to avoid trouble a man who cohabits with his brother's widow must likewise remember that her children, whether begotten by the dead man or by himself, are his wards and that he is trustee and not owner of his brother's herd. When the eldest son has been initiated into manhood he takes the place of his pater as head of the family. If his guardian is wise he will respect his nephew's independent status and will build him a byre next to his own and give him the cattle to which he is heir. Then difficulties between them need not arise, and his nephews will retain their

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593
604 respect and affection for him and will share their cattle with him. But Nuer are greedy where cattle are concerned, and the temptation to use a dead brother's herd and the bridewealth of his daughters to marry wives for himself during the minority of his sons is sometimes more than a man can resist. When his nephews grow up they find that he has no cattle left for them to marry with and they are resentful and want to know what has happened to their father's herd. A nephew in this position is unlikely to move away from the village in which he has been brought up because it is his own village where his paternal kinsmen live, but his relations with his uncle may become strained and he may harden in his insistence on his full legal rights in future instead of accepting a friendly give-and-take arrangement. If exasperated beyond endurance, he may go to live elsewhere, perhaps with his maternal kin. Here again conflicting loyalties may make a youth's position difficult, for as a son he feels he ought to respect and obey his father and as a nephew he feels he ought to insist on his rights. Trouble is most likely to arise when a boy falls under the guardianship of a brother of his dead pater and is not begotten by him.

593 The opposition between the legal family and the natural family is most evident when a son is born in widow-concubinage. In ghost-marriage and leviratic marriage the genitor is a legal substitute for the pater, but the genitor of a child born in widow-concubinage has no such status. When the brothers of the pater are alive and family feeling is strong they insist on his sons being initiated in his home and living with them afterwards. Nuer say that an orphan who has been initiated at his uncles' home and has rights in cattle there will not want to leave it. They are likely also to bring the dead man's daughters to live with them so that they can be married from their home. The genitor cannot deny them their right when they tell him that they want the children of their cattle. Thus it often happens that a boy is brought up in one social group but belongs legally to, and later joins, a different social group. The sentiments of childhood attach him to the home of his mother and genitor, and while he is small he does not think of any other place as his home. But when he reaches manhood the sense of paternal kinship so strong in Nuer, and desire for the cattle of his heritage, attract him to the village of his true paternal kinsmen.

If a dead man has brothers they are almost certain, especially if

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they are uterine brothers, to want their child to live among them. Where we find adult sons living with their natural fathers in Nuerland it generally means that they have no close paternal kin. Or it may mean that the genitor is rich in cattle while the paternal kin, though close kin, are poor. A youth with close kin who possess herds does not care to live in the home of his genitor after his initiation, for he is always regarded there as to some extent an outsider, whereas in the home of his pater he is there by right of birth: 'He will visit his mother and the man who begat him now and again, sometimes for a month or two, but his home is the home of his dead father.'

A youth's allegiance also to some extent depends on the circumstances of the widow-concubinage in which he was born. If his natural father lived apart from his mother and merely visited her from time to time he counts for little, but if he shared her home he is of greater importance and his children will retain their affection for him and pay him frequent visits should he be later separated from them. Knowing how powerful an influence feelings of kinship and cattle interests will have on his sons when they grow up, he tries to win their love when they are small so that it may endure all the changes of life. 'When a man has a son by a widow-concubine he wishes the child to be with him the whole time so that when the child grows up he will know him and not desert him but remain in his home.' If a lover wins the affection of his sons in this way he may be able to keep them with him, especially if he and the paternal kinsmen of the sons occupy the same village, for sons generally wish to live after initiation with their paternal kin. Should he and the widow live elsewhere the sons are likely to part from them. This is a great stumbling-block to Nuer. 'You think how when they were little you carried them in your arms and played with them and fed them with titbits, and now they have gone to live with a man who did not bring them up, because it was with his cattle that their mother was married.' The sons are almost certain to depart sooner or later and for one reason or another. When their genitor has a legal family of his own they may feel neglected. If he has no legal family of his own it is because he has no cattle. Also he loses all hope of keeping the children if he loses the mother, for they are attached to him through her; and widow-concubines often change their lovers. Nuer say also that 'when a widow-concubine has finished bearing children she has no more

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- 593 use for her lover'. They say further that the lover of a widow has no chance of keeping sons begotten by her dead husband, however good a foster father he may have been to them. 'A boy who knew his father does not forget him.'

But though children leave their natural father, the tie between him and them is never entirely severed. Even when a genitor has had little to do with his children a mystical tie unites them to him, so that Nuer say that if he is ill-disposed towards them they may suffer injury. Also, a natural son recognizes all the near kin of his genitor as his own kin and they acknowledge him to be their kinsman. When a man has been on intimate terms with his natural children the tie is much stronger. In his district they are called after him. A man may sacrifice a bull in honour of his genitor as well as in honour of his pater, and if his genitor did not beget legal children he may marry a wife to his name. *Liem*, the begging of a gift, is said by Nuer to be the most typical expression of the relationship between a man and his natural father. A father is not likely to refuse his natural son's appeal for help, and if he can, he will assist him to marry. He knows that his generosity will be rewarded by frequent visits.

Something has been said about the relation between sons and fathers in simple legal marriage, ghost-marriage, leviratic marriage, and widow-concubinage. It remains to say a few words about that between a son of an unmarried concubine and his pater. His position is very different from that of the son of a widow-concubine. 'A son of an unmarried concubine is your own son.' So long as you are kind and generous to the boy he will not desert you, for you are both his genitor and his pater and if he leaves you he has no other father to whom he can go. If the mother leaves her lover and goes to live with another man, the father of their children will put no obstacles in the way of their visiting her when they choose. He is confident that a son, even though he is a child, will return to him, 'because he is old enough to know his father, for when his father kills an animal he will keep meat for him to eat, and when food is served in the byre he will call his little son to eat with him'. An unmarried concubine who goes to live with another man will probably remain with this man if she bears him children, but she is likely to return to her first lover to be with her children by him if she bears no children to her second lover. Nevertheless, the son of an unmarried concubine is not so strongly

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bound to his father as a *gat ghõk pony*, a true child of cattle, that is to say, a child born of a legal marriage. If a boy born of an unmarried concubine is dissatisfied with his lot in his father's home, or if his father dies, he may go to live with his mother's people.

The personal relations engendered by all these diverse forms of family life present a picture of changing configurations which are most confusing. The flux, movements and comings and goings, we noted in our survey of local communities is here again evident in domestic life; and here again beneath the apparent confusion in personal relations we perceive how in the lineage system the dynamic process is slowed down and stabilized into structure. Individuals and families seem to float about, as it were, and lead an independent existence, but they are anchored always to some lineage by the agnatic principle, which decrees not only that every man must have a pater but that through a pater he must be attached to a lineage. We noted in the first chapter how, if persons become permanently detached from their own lineage, as captured Dinka do, they may attach themselves through female links, regarding them as paternal links, to another lineage, take root in its stem, and become part of its growth.

Here again we observe that the wider groups of paternal kin and lineage gain at the expense of the family, especially when it is a natural and not a legal family. The position of the father in these unions other than that of simple legal marriage is to a greater or lesser degree undermined by attachment of greater legal significance to the pater, who represents the principle of the lineage. Another important consequence, which will be better appreciated later, is the effect of these unions on kinship relations. We have noted that there is a balance in the kinship system between the paternal kin and the maternal kin and that this balance is felt in the pull on children, especially in polygamous households, in both directions. It is particularly evident also in the case of the unions I have described because the splitting of the roles of the father, and in the case of children of unmarried concubines the attachment of children of the same mother to different legal fathers, increases the bias towards the mother's side.

KINSHIP

thereby forfeit his title to bridewealth on the marriages of other sisters. Nevertheless, public opinion would censure a paternal uncle, or his son should he be dead, were he to refuse assistance, especially if, as is normally the case, they are living in the same or nearby homesteads. Paternal uncles are expected to help each of their nephews to marry in turn and to make a more generous contribution—perhaps two or three beasts at each marriage—than that looked for from the maternal uncle, for their nephews are their sons and are marrying wives to their lineage. The bulk of the bridewealth is provided by the family, but as the cattle of married brothers, though owned by them separately, are often herded together and tethered in the same kraal, the contributions by the father and his brothers may come from a single herd. Indeed, in a sense it is not easy to make a rigid distinction between what the father gives and what the uncles give towards the expenses of a marriage. The obligation on uncles is weightiest when they are full brothers of the father, live with or near him, and are on friendly terms with him. A half-brother of the father, especially if they live in different villages or districts, may feel that he has done all that should be required of him if he gives a beast on the marriage of one of his nephews. The younger brothers of the bridegroom must look for help to their other paternal half-uncles when it is their turn to marry.

The rivalry and conflict between paternal kin of which I have spoken comes out most clearly in relations between *gaagwoonen*, male ortho-cousins, the sons of brothers, particularly of paternal half-brothers. Enmity between half-brothers is as far as possible suppressed, or at least not given public expression, on account of the father. If brothers disagree they separate, but they try to avoid scandal. Difference of generations inhibits either familiarity or declared hostility between a man and his paternal uncles, but the sons of these uncles are of his own generation and he can be as intimate or quarrelsome with them as he pleases. He is bound to them by ties of loyalty which do not derive from, or depend on, either mutual affection or common affection for a third person, as is the case with half-brothers who share the same father, and which generally necessitate close contact in situations likely sometimes to engender conflict. It is perhaps this contradiction between social bonds and personal feelings which gives rise to the joking or teasing relationship between ortho-cousins.

NUER MARRIAGE CEREMONIES

of the husband's kindfolk outside, who, squatting in front of it, likewise washes his hands in the water, and then fishes out the bracelet. The pot is returned to the hut and a different maiden and a different kinsman repeat the action of the first pair. All the close kindfolk of the husband—his father's brothers and sisters, his mother's brothers and sisters, and his own brothers and sisters, and so on—are supposed to receive a bracelet, but, in fact, persons standing in some of these relationships will be absent and any person who can claim kinship with the husband can demand a bracelet. If a man's dip into the pot reveals a poor bracelet he does not hesitate to upbraid the girl who put it there and he may select a better one from those on her arm.

The concluding rite of the ceremony is the act from which it derives its name, the shaving of the wife's head (*net qier*) by a member of her husband's family. This may take place after the departure of her companions, for it is a domestic affair of the husband's *gal*, his home, of which the wife is now a member. The shaving of the head signifies this change in her status. People speak of the rite as *wei mien yinle*, the removal of the hairs of maidenhood, and they say afterwards of the girl *Can nel*, 'She has become a wife'. She is at the same time stripped of all her ornaments, which are divided among her husband's kin, and she is arrayed in new finery provided by her husband. She belongs to him, and not her father's, people now and it is for them to adorn her.

THE BIRTH OF A CHILD

The *net* is the consummation of marriage, but not its completion, which is the birth of a child. The young wife is now called *net na lan*, a newly wed. Her parents give her a hut of her own and a sleeping-bide, a brush, and a couple of goods for ablutions. When her husband comes to visit her in her father's homestead he sleeps with her in this hut. She continues in all other respects to lead the life she led before marriage, and after her husband's visits she hangs up the bide and domestic utensils and sleeps with her unmarried sisters. On these visits her husband stays at a neighbouring homestead as he cannot eat in the house of his parents-in-law and ought not to be seen there at all. When someone tells the wife that her husband has come, so that she may prepare for him, she feigns annoyance or lack of interest, pretending that she is still unmarried, a shyness she keeps up with third persons, though she is at ease when alone with her husband. When everyone is asleep he visits her and spends the night with her, leaving before any of the bide's people are about; her parents are supposed to know nothing of his visits, though, of course, they know all about his movements and it is even said that his mother-in-law may rise especially early and eavesdrop through a crack in the door of her hut in order to see him depart. Should he overstep, and his mother-in-law see his spaces outside her daughter's hut, she makes them forfeit and he would be ashamed to ask for them back. It is not till a child has been born that the husband is accepted by his wife's people as one of themselves; he is then the father of their daughter's child and through the child has a kind of kinship link with them. Till this happens the husband continues to lead the life he lived before marriage, a bachelor life with his younger brothers in their father's bye. His wife visits him only on rare occasions and for a formal purpose, as when, at harvest time, she brings him coverings she has made for the grain on the drying-platform, or when she takes him a bundle of well-cooked porridge made

NUOR MARRIAGE CEREMONIES

• 593 from the first millet of the year—a pretty custom known as *pañaw Aan*, *honouring*
 591 with porridge.

842 All are equally anxious for a child to be born, the husband and wife because they want a son and the wife's parents and kin because they cannot, without risking complications, dispose of the cattle of the marriage till a first-born completes the union.

Those whose daughters they might wish to marry would not be happy about accepting such cattle as bridewealth in case they had suddenly to be returned to the husband.

591 When a child is born the mother remains with her parents till she has weaned it. This is a suitable regulation, because after the bridewealth has been paid the husband's

father is likely to be short of lactating cows, while the wife's parents will have plenty of milk from their herd. If, for some reason, the wife goes to live with her husband

862 before the child is weaned, it may not be weaned without the consent of her parents, and I have seen a husband pay several cattle to atone for contravention of this rule.

602 A son, first child, belongs to the home of his maternal grandparents and if he is weaned in his father's home he returns to live with them, a boy till he is initiated and

603 a girl till she is betrothed. This is the rule, though there is variation in practice, depending on the ability of the maternal grandparents to support the child and on the

858 relations between them and their son-in-law.

852 Shortly after the birth of her first-born the wife, now called *pañ dag*, a moving mother, brings the baby to her husband's home and lays him in the arms of the hearth

591 in the centre of his grandfather's byre, a rite known as *soy pañ dag*, the bringing to the arms. Beer has been prepared and is drunk by a few senior kinsmen of the husband

591 [273] who live in his hamlet. It is a domestic, and not a public, ceremony. The wife spends a few days in her husband's home and returns with the child to the village of her

parents. She has as yet no hut of her own in her husband's homestead.

591 When his first-born has been weaned the husband builds his wife a hut in his father's homestead facing the family hearth. He then goes to ask his parents-in-law for his

585 wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are still owing. They give her a horn spoon and a gourd and she takes these with her

to her husband's home. The gift of a spoon is emphasized by the Nuor in speaking of marriage, because it is a recognition that the woman is now, in the full sense, a wife,

who will eat of the porridge of her own garden with the milk of her own herd. She now milks her husband's cows instead of her father's and hoes the garden of

his home and not those of her childhood. Before she is given a spoon, even if she

has a garden at her husband's home she takes the harvest back to her father, or she may live at her husband's home and cultivate in her father's village, if it is not far.

It is only when a man's bride has borne him a child and tends his hearth that she becomes, in the Nuor sense, his wife. She then makes a *bar*, a mud fire-screen, and

the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.

The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the

606 bringing of the first-born to his father's byre, and the presentation to the wife of a spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child

of their lineage.

586 asked what would happen were he to try to do so
 583 I was told that the husband's kin would chase
 431 back their cattle and, if necessary, use force to
 [587] obtain them. Should a wife leave her husband
 in these circumstances the problem of bride-
 wealth would probably be solved by the common
 Near expedient of letting her live as a concubine.

I think it is evident, in view of the facts stated
 583 above, that the fear of having to repay bride-
 431 wealth cannot be said to be a very powerful
 591 sanction of the marriage union. Nor is there
 593 any evidence of which I am aware that would
 suggest that the greater the number of cattle handed
 over the more stable the marriage is likely to
 prove. On the contrary the poverty of a suitor
 may be to his advantage since the parents of the
 girl whom he seeks in marriage can insist, and
 often do so, that he comes to live in their village,
 where they will receive constant aid from him
 in hunting, fishing, building, and herding, and the
 succession to their herds of both the son-in-law
 who comes in course of time to identify his interests
 with those of his in-laws, and of his children,
 who would otherwise, with their daughters, be
 lost to them. A reputation for hard work, courage,
 and an amiable character go a long way towards
 making up for poverty of stock, especially if the
 father of the girl and the father of the youth are
 friends or the youth and the girl's brother are
 comrades.

581 I am prepared to say definitely that the stability
 593 of Near marriages rests on quite other foundations
 than payments of bride-wealth. It is founded on
 affection between the spouses, mutual goodwill
 between the families of husband and wife, and
 moral and legal norms. Near girls are not really
 coerced into marriage and it is generally safe
 to assume that when a woman lives with her hus-
 band it is because she chooses to do so and is
 happy in her marriage. By the time a girl is fully
 married to a man she knows him well. Usually
 he has courted her some time before asking
 for her hand and she must give her consent
 before his request is granted. She has plenty of
 time between the betrothal ceremony and the
 ceremony of consummation in which to withdraw
 from the marriage should she be reluctant to

[p. 185a]

581 complete it and yet more time between the
 • 543 consummation and the birth of a child. I do not
 say that pressure may not be put on her by her
 family to accept her husband but parents who
 try to ensure their daughter run the risk that
 she will run away to the home of a distant kinsman
 and there elope with some man. They may
 lose their bridewealth. Nuer have good grounds
 for their assumption that a newly wed who has
 borne her husband a child and brought it to his
 hearth is satisfied with her mate. By the time a
 second child is born experience has shown that
 the pair are agreeable to one another also as domestic
 partners. As the Nuer observe a wedding takes
 [24] this name about three years after the birth of
 the first child.

581 Mutual goodwill between the families is also
 60b a necessary condition of a successful marriage.
 543 Marriage is not only a conjugal relationship but
 also a set of affinal relations and it can be stable
 only if the kin on both sides behave towards the
 other side in the manner expected of them. This
 they endeavour to do. A man tries not only to
 live up to the pattern of what the Nuer regard
 as a good husband but also to be a good son-in-law
 and his wife's father and mother try to be good
 parents-in-law to him. The relatives on both
 sides also try to behave towards those on the other
 side as parents standing in these relationships
 should do. It is the executive and inhibitory
 action of these moral values, sanctioned by appro-
 bation and censure, which give stability to marriage
 and security to the family that derives from it.
 Divorce is due to failure of one or other of the
 parties to live up to the code of conduct expected
 of him, or her, and Nuer regard it as a misfortune
 in which there is also an element of the shameful.

582 Conjugal and affinal relations are personal
 602 relationships which require adult adjustment
 that is not easy. A Nuer regulates his behaviour
 to the persons around him through kinship values
 of one kind or another. Owing to the extensive
 range of kinship ties covered by Nuer rules of
 exogamy it is impossible for a man to marry
 into a family or lineage with whom he has already
 existing kinship ties. He must marry the daughter
 of people who are under no obligation to provide

[p. 1856]

584 people consent to hold the next ceremony they express by so doing their confidence in the final outcome. Marriage is not a single act. It is a succession of interconnected acts leading from courtship to the birth of children, and bridewealth is not a single payment but a succession of payments in response to the changing status of the wife and the increasing maturity of the union. As the Nuer see it, these payments continue long after the marriage is fully established and there is no question of repayment, whatever may happen, in the birth of calves and the progeny of those calves and of their progeny, a constant redocumentation which is balanced by the birth of children to the wife and of children to those children.

582 Bridewealth has so far been viewed as a social mechanism for organising personal relations between the husband and his people on one side and the wife and her people on the other side. Some such organisation is necessary because, given the Nuer rules of exogamy, there are no already existing patterns of behaviour within which the marriage can be effected. The rules of exogamy are themselves a function of the lineage structure of the Nuer and bridewealth has therefore also a structural role.

593 When a woman is married among the Nuer she is transferred from one lineage to another.

684 The husband alone has sex rights in her, but all his brothers and paternal cousins have residual sex rights and actual or potential domestic rights in her, and her children are born to his lineage. The husband's sex rights are evident in his right to claim damages for adultery. The proof of marriage, should proof be needed, in an adultery charge, and what therefore distinguishes a wife from a concubine, is that the woman "has cattle on her back". This does not mean that it is payment of cattle alone which brings about the union. It is the rites of marriage which do that, for a man has no claim to compensation for adultery until the rites have reached a certain stage, even though he has paid cattle before that stage is reached. But the cattle are the certificate of marriage. The rights of the husband and any of his kin living with him to the domestic services of his wife are evident in the performing of them.

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- 593 and in the public acknowledgement of his right to correct her should she neglect them. The husband has, of course, also rights in any children his wife may bear, but the children are not only his. They are the children of his lineage. All the men of his lineage are grandfathers, fathers, and brothers to his sons.

583 Marriage is, structurally-speaking, the taking
431 away of a woman of one lineage to bear children to a different and unrelated lineage. For the loss to their daughter the lineage receives cattle which enable them to obtain a wife for themselves from a third lineage.¹ In course of time the wives of these marriages bear daughters and when they are married the cattle received for them enter the kraals of the lineage to replace those which left them on the marriages of their mothers. In practice the total operation is not as simple as I have stated it because the cattle do not all go to one lineage but are partly distributed between the kinsmen of the bride's father and mother, but this is corrected by the fact that what the fathers and paternal uncles do not receive on the marriage of their daughter comes to them through other marriages in which they stand to the bride as maternal uncles or sons of paternal or maternal aunts or grandmothers. Hence it is that the Nuer often speak of the lineage marrying a wife with its cattle or giving their daughter in marriage to another lineage for cattle. They say, for example, that "Cieng Pual have married a wife" or that "Cieng Dumien have given their daughter in marriage".

To understand the functions of bridewealth in Nuer society it is therefore necessary to view its payment in a wider social setting than is provided by any particular marriage. It is necessary to see it, as the Nuer themselves do, as a series of transactions and to perceive furthermore in an exchange of cattle for a wife an exchange

¹ Cattle which have left a lineage on its taking a wife from another lineage may come back to it if the second-lineage afterwards takes a wife from the first. This is unusual, but I have known a man marry his father's brother's daughter's husband's brother's daughter and another marry his paternal half-brother's daughter's husband's sister. Some slight adjustments may be made in the division of the bridewealth of the second marriage to prevent certain inconsistencies. However, a brother and a sister should not marry respectively a sister and her brother.

312 drink. Each beast also soon gets to know its special trough and
233 when loosened or when returning from pasture at once makes for it, though when the camp starts there is often confusion, for if an animal approaches a trough that does not belong to its master it is driven away by the owner of the trough and cows are thus driven from trough to trough till they discover the right one and join the other cattle of their household which are drinking there.

[578] On the arrival of a new household at the camp their kinsmen allow them to use their troughs till they have dug their own wells. Frequent disputes take place over wells for a man guards his water jealously. While I was at Yik several persons near Muot töt were killed in a fight that started in a dispute about wells.

A boy is placed on duty to watch the troughs all day long and often he plants a thorn bush in the bed of the river near his troughs and throws some grass on its branches so that he may have a little shade in the heat of the day. The lad's main duty is to prevent the sheep and goats from drinking water at the troughs reserved for the cattle for the cattle do not like drinking after them and they foul the water. Sheep and goats either have their own troughs or are allowed to drink when the cattle have had their fill. But as they graze unattended near the camp they may return at any time and try to drink from one of the cattle-troughs. A boy who allows sheep and goats belonging to another household to drink the water drawn for his father's cattle is in for a whipping from his elder brother. Even the crows are driven away from the precious water. The most other boys will do to warn a sleepy comrade that the water of his trough is being drunk is to sing out " *Caa lil o, caa lil* " and one constantly hears this refrain in the camp. When a boy sings this chant every lad looks to his troughs to make sure that it is not from them that water is being drunk.

312 No washing is allowed from the troughs and if a man wants a
[515] bath he must get a comrade to pour water over him at a well-side. Every care is taken to keep the water clean and the wells are frequently inspected. If the water is discoloured a man descends to the bottom,

DEATH OF WOMAN

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differentiation is held valid nowadays. Yet the tradition is strong, and quoted consistently by nearly all Nuer tribes.

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754*Uninitiated Boys*

Among the Zeraf Nuer no distinction was made between those having manhood status and uninitiated boys. An uninitiated boy (*dhaf*) was held fully responsible for his actions and his kinsmen were bound to assist him. Likewise the killing of an uninitiated boy demanded full rates of compensation. Boys who had not reached the status of warrior, however, were not expected to fight in a serious manner, and it was unlikely that an adult would kill a boy except by accident.

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In Western Nuer some distinction seems to have been made even in the past. Writing in 1936, Captain H. A. Romilly records:

Some doubt still exists about blood-money to be paid when 'ungarred' boys are killed.¹ The new decision in 1936 is: 'ungarred' boys killed by accident: 20 head of cattle; 'ungarred' boys killed on purpose: 30 head of cattle.²

It is difficult to say whether these fine distinctions are traditional or the result of past settlements in which the Government had a hand. It is, however, safe to say that theoretically full compensation would be demanded but would probably not be paid, as a compromise was more likely.

This matter was raised at the Nuer Chiefs' Council of 1945, but the only decision reached concerned the killing (usually accidental) of uninitiated boys by uninitiated boys (a fairly common occurrence in Nuerland). The indemnity for intentional killing was set at 20 head of cattle (i.e. half the full indemnity); for accidental killing, 10 head of cattle.

Compensation for the Death of a Woman

Nuer do not, of course, kill women in pursuance of a feud, though a feud might follow from the killing of a woman. Compensation is demanded in full; there is no distinction between the sexes. For an unmarried girl compensation should be paid to her family. For a legally married woman it should be paid to her husband. If he has paid only part of the bridewealth for his wife, compensation will still be paid to him, but some of the cattle will be demanded by the woman's family. He will be expected to hand over to them all cattle with the exception of a number directly proportionate to the number paid by him as bridewealth. The principle of compensation carried to its logical conclusion means that a man does not pay compensation

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¹ 'Ungarred', 'uninitiated', from the Nuer par to cut the forehead at initiation. Full compensation in that area was then 40 head of cattle.

² From unpublished administrative records.

HOMICIDE

at all if he kills his own wife—a rare occurrence—for he would have to pay it to himself.¹

Legal Responsibility for Act of Homicide committed by a Woman

A man is responsible for his wife's actions if she is legally married to him, even if only part of the bridewealth has gone to her family. If she kills someone, it is he and not her family who will pay compensation. A woman who is recognised as *kaugh* (unmarried concubine) is in a different category, and a man is not responsible for her actions even while she is living as his concubine. Not he, but her family, will be called upon for compensation if she kills someone.²

9. PEACE CEREMONIES: COMPOSITION ON
A TRIBAL SCALE

The laws of homicide described in the previous sections concern feuds (*ter*) which take place between the segments of a tribe. Tribal boundaries were not in the past so clearly defined as to preclude payment of compensation between sections of one tribe and sections of another, but a whole tribe would rarely unite to demand compensation for one of their number killed by a member of another tribe. When two tribes had been at war for a long time and there had been many casualties on both sides, both might decide to make peace; according to tradition there was a specific ceremony by which peaceful relations could be restored, and this again was performed by a Leopard-Skin Chief. After preliminary negotiations, usually initiated by some prominent leader in one tribe, representatives of both parties met at a chosen spot. A bull, always a hornless bull (*ast*), was sacrificed, and the Leopard-Skin Chief invoked the spear names and ancestral spirits of both sides, calling upon them to maintain peace between their peoples and to avoid disruption by endless warfare. He cried out, 'He who reopens this quarrel will cause his people to die and scatter like the hairs of the head of this bull', and then shaved the hairs of its head, scattering them in the wind.

We are here approaching an obviously difficult distinction between the feud and warfare on a wider scale. It seems to me unlikely that the ceremony was often performed in the past, but the details of procedure have been described to me on many occasions. It is not a ceremony normally performed between segments of a tribe, though there was one occasion quoted in Gaswar when Liab Liou, the leader

¹ I have known instances. In each case no compensation was awarded, though the culprit was expected to pay a cow or two as an act of appeasement to his wife's family and as part of the process of ritual expiation. The courts were always reluctant to impose a sentence of imprisonment. The culprit had already 'punished himself'.

² The question of the legality of the marriage is relevant here. See under 'Legality of Marriage', Chapter III, p. 124.

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the collection of bridewealth, bloodwealth or other kinship obligations automatically come into operation. The fear of punishment is therefore a collective deterrent, and this, with the general realization that payment of compensation will invariably be enforced, has undoubtedly reduced the incidence of homicide. It has also to some extent had the effect of strengthening public opinion opposed to the use of violence, and people are likely to go to greater lengths to restrain their fellows. Conversely, the certainty of punishment and of the enforced payment of compensation has lessened the fear of retaliation and has resulted in a corresponding reduction in the force of those sanctions which make for the fulfillment of social obligations.

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Although the concept of punishment inflicted by the State is alien to the Nuer, its introduction has not been difficult, and the deterrent effects are appreciated by chiefs and court members. In general terms, however, a European system of criminal justice is not always understood. Fratricide, for example, is considered a great wrong, and is one which is likely to shock Nuer deeply, but it does not demand any restitution or compensation. A man who kills his brother is injuring himself, and although this may demand a readjustment in matters of inheritance, he cannot pay compensation to himself. Moreover his action runs counter to the very basis of Nuer social sentiment and conflicts with their ideas of kinship solidarity. It is an act almost on a par with suicide, which is fraught with spiritual dangers to the surviving kinsmen. Fratricide is the negation of all social principles. The killer will have to undergo a complex process of ritual purification to appease the wrath of the ancestral spirits and to avoid the misfortunes which may follow, but he will not pay compensation to himself or his brothers. Similarly when a man kills his legally married wife he is causing an injury to himself, for he has paid cattle for her which will now never be returned. Again he will have to undergo ritual purification, will have to give a few cattle or other gifts to his relatives-in-law, but unless he has not completed the bridewealth payments, he will not have to pay compensation in the normal sense. In such circumstances the Nuer find the greatest difficulty in understanding why the Government should seek to punish the culprit, and a Nuer court will usually resist an attempt to do so. If the case is taken out of their hands by the formation of a Major Court under the Presidency of a District Commissioner or Judge, there is little comment and they will accept the sentence, but it would be difficult to persuade a Nuer court to pass sentence itself.

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Apart from the difficulties of understanding an alien system of justice, there are other factors which have had repercussions on the application of traditional Nuer law and in particular on the scales of compensation demanded for a wrong. It seems probable that with the absorption of Dinka elements and natural increase, human population

'Widow-Concubines'

The main points are as follows:

(i) The man who performs the duties of husband to the widow is in no sense the legal father of her children, nor is he heir to the legal husband.

(ii) He cannot compel her to live with him or claim compensation if she commits adultery. The compensation for adultery would concern her late husband as represented by his living brothers or legal heirs.

(iii) He cannot divorce her or demand back her bridewealth for there is no legal marriage between him and the widow, only between the widow and her late husband.

(iv) He is not even the legal representative of the dead man and therefore, unlike the levirate or 'ghost-marriage', the characteristics of the simple legal family are not contained in the structure of this union.

The man's position is therefore, in theory, a precarious one. In fact, most of these unions are arranged with the agreement of the dead man's legal representatives and thereby receive social recognition not only from the world at large, but also from the dead man's family.¹ If no such agreement exists the control over the children and the widow may be a source of legal dispute. Such disputes are not uncommon.

Unmarried Concubines

All these forms of domestic and procreative union have one principal common factor: the children of the woman, whether she be wife, 'ghost-wife', widow or widow-concubine, belong to the man on whose behalf the bridewealth cattle were transferred to her family, and they trace their descent through his name to his more remote ancestors. There are, however, forms of union which are in no sense legal because no cattle have been paid as bridewealth for the woman. Children born of such unions will be attached in name to their mother's lineage unless their father chooses to legalise their status and attach them to his lineage by payment of a special fee, or unless the mother is legally married later to some other man who assumes the status of legal father to the children.

The status of women among Nilotic peoples is high. In the question of marriage they usually have a fairly free choice, though there are undoubtedly many occasions when father or brothers will use persistent persuasion or even force to compel a girl to marry a man she

¹ A widow living in this form of union with a man is known as *niek no lak* and her children as *gast sons*.

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will consider in assessing the wrong and the amount of compensation to be paid. It is a plea which is frequently raised by defendants to a charge of adultery and is, of course, not easy to prove. Evidence is based not so much on the statement of the wife as on general reputation (and it must be remembered that in the intimate life the Nuer lead there is not much which can be concealed), and also on the existence or otherwise of other children and the evidence of co-wives if there are any.

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Barrenness of the Wife and Age of the Wife

It is sometimes held that adultery with a woman who is known to be barren is not an offence, though this view is certainly not universally held. Adultery with a woman who has borne several children and is elderly is also considered a minor offence and rarely requires compensation, especially if she has adult children. At most *yung hule* will be demanded in these circumstances.¹

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Morals of the Wife

The temperament and morals of the wife are also factors which a Nuer court will consider. If the husband, usually a man who has been absent from home for a long time, brings charges of adultery against two or more men and the charge is proven, the court will order that each shall pay part of the compensation.² There is a limit to this. Nuer consider that a woman who has had sexual relations with more than three men is a *riek no jok*, a 'loose woman', and that the men concerned cannot be held responsible. For this reason the defendant or defendants in a case of adultery will often attempt to prove that the woman has committed adultery with a fourth man. In this case a court will not enforce the payment of compensation, or of *yung hule*, though, if a child is born of one of them, it may compel him to pay *yung hule*. In such circumstances, the husband will often institute a divorce against his wife, and if there is any dispute between himself and his wife's relatives, a court will usually take his side.

Jal Bath v. Gai Nyal (Thing: Central Nuer Appeal)

Jal Bath claimed compensation (*ruok ciok*) from Gai Nyal on grounds of adultery with his legal wife Nyandeang. A child had been born in consequence of the act of adultery, or so Jal alleged. This was admitted by Gai. (It was in his interests to do so.) Jal claimed *yung hule* only, but Gai refused to pay. The matter was taken to court and Gai ordered to pay. Some months later,

¹ This was recorded at the Nuer Chiefs' Council Meeting of 1945: 'When a man commits adultery with a woman who has adult sons or daughters, he is only liable to pay *yung hule* and not full compensation.'

² E.g. if two men, each will pay three head of cattle, if three men, each will pay two head of cattle.

ADULTERY WITH WIDOWS

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Gai appealed on the grounds that he had evidence that Nyandung had committed adultery with three other men, Koh Gai, Ngwom Din, Top Bich, and had done so during the same period as with Gai, and in the absence of Jai. Appeal court accepted this evidence as true. Jai then stated that he did not deny the allegations of Gai, though he had not heard of them before, but the evidence was not relevant to the case. He had claimed *yong hule* only, not full compensation. He admitted Gai was father of the child, and so did Gai. Court upheld previous judgment and ruled that Jai should keep the *yong hule*. 684 837 593

Questioned on the legal issues involved, the court held that if a man has sexual intercourse with a woman who is the legal wife of another, he is liable to pay six head of cattle which include *yong hule*. If she bears a child attributed to the act of the adulterer, five head must be returned, *yong hule* remains. The fact that the woman is proved to have committed adultery with other men, if more than three men are involved, absolves all of them from paying compensation whether a child is born or not, but if one of them is proved to be the father of the child, he must still pay *yong hule*.¹

*Compensation cannot be claimed more than twice where
one Woman is Concerned*

It is also generally held that a man cannot claim compensation for adultery with his wife (the same wife) on more than two occasions. After the fulfillment of two claims of this sort, in which he may have received no less than twelve head of cattle, his wife acquires the reputation of being 'loose'. He will certainly not succeed in a claim instigated out of court, and it is extremely unlikely that a Nuer court would uphold his claim. Moreover he may well be suspected of exploiting his wife's physical charms to his own advantage.

Adultery with Widows

When a woman whose husband is dead has sexual relations with a man without the express permission of her husband's legal heirs, damages for adultery may be claimed, but the right is not often exercised. It depends on a variety of circumstances, particularly the age of the woman, for, if she is young and attractive, one of her husband's kinsmen will wish her to live with him. As we have seen, the main object in the minds of the dead husband's kinsmen is that the woman shall bear children to his name, and they are usually prepared to give her a wide choice, provided she does not go to live too far away from them. They will often object if she goes to live with a man whom they have not accepted as her lover (*law*), and they will also object

¹ See recent legislation on this subject, p. 167. The idea is a Nuer one, but the substance is the result of legislation prompted by the Administration.

If a man without male heirs dies in possession of cattle it is more than ever incumbent on his relatives to marry him a wife. These cattle, *phak jekel* ("cattle of the ghosts"), are sacred and ought not to be used for any purpose other than marrying wives to the dead. If a member of the household of a dead owner of cattle commits homicide or adultery, and the kraal is raided to obtain compensation, the raiders will not seize "the cattle of the ghosts". Thus if a man leaves five head of cattle behind him these are kept in the kraal till they increase to a large herd. One of his kinsmen then takes a wife in his name to raise up seed to him. This man may take what cattle remain after the bride-wealth has been paid and do what he pleases with them.

When a man marries a brother a wife it is considered proper for a younger brother to take a wife for an elder brother though it is not forbidden to an elder to marry a wife to the name of a younger. As brothers marry in order of seniority it is fitting that when it comes to the turn of the dead man to take a wife the brother next junior to him should marry a wife to his name. Nevertheless if the next brother is only a father's son to the dead man and there is a still younger brother who is his mother's son it will be left to his mother's son to do his duty to the dead, and the father's son will marry a wife in his own right.

Only a kinsman takes a wife to the name of a dead man. An unrelated person would never do so, though in exceptional circumstances a kinsman might marry a wife to a dead man and allow an unrelated man to cohabit with her and beget children of her.

I shall discuss later in what way a simple legal family with a living pater differs slightly in sentiments and domestic inter-relations from a ghost-family with a dead pater, but it may again be emphasized here that they are very different in respect of the formal status of their members to one another. The physiological and foster father is not the husband of the mother but stands in the place of the husband. Also the children born of the mother are not his sons and daughters but his kinship relationship to them is determined by the genealogical link between himself and the ghost-father. Thus in Diagram No. III if F ♂ marries a wife to his

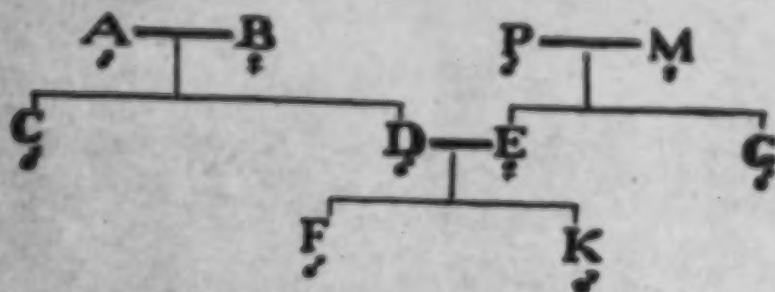


Diagram III

12 SOME ASPECTS OF MARRIAGE AND FAMILY AMONG THE NUER

588 paternal uncle, C δ , the son whom he begets is his paternal first cousin
748 (pat *pusuon*). If he marries a wife for his father, D δ , a son born of the
593 union is his father's son (pat *pusuon*). If he marries a wife for his brother,
K δ , a son born of the union is his brother's son (pat *duson*). If he
marries a wife for his maternal uncle, G δ , a son born of the union is his
maternal uncle's son (pat *nare*). In none of these instances is the child
his son (*pudi*).

588 Occasionally women marry wives to the names of dead kinsmen and
748 yet more rarely, a man marries a wife to the name of his dead sister if she
135 was barren (*ok sui ru*) "for she then counts as a man." The children of
this union are called after the dead woman and her brother who begets
them has the status of their paternal uncle "for his sister has become his
brother", and on the marriage of the daughters he gets the cattle due to a
paternal uncle. In Lou country where I was informed that such marriages
occasionally take place I was also told that the brother who takes a wife to
the name of his dead sister may not have sexual relations with this wife.
He builds a hut for her in his homestead and there she cohabits with a
neighbouring stranger or Dinka. The reason given for this prohibition
was that in such a marriage "your wife is like your sister" i.e. she stands
in the place of your sister. I have recorded only one such marriage: the
Lou prophet Deng married a wife for one of his sisters with the blood-
cattle paid in compensation for her death by the Nguk Dinka who had
slain her.

588 I was told also that a man may marry a wife to a dead paternal aunt who
748 was barren during her lifetime. When I asked Nhial Mitmit whether a
428 man might marry a wife for his mother's sister he replied: "No,
certainly not. Is she not your mother's sister? She has a brother who
can marry her a wife if necessary. It is your business to marry your sister
or your father's sister a wife. You restrict yourself in this respect to
female paternal agnates. On your mother's side it is the duty of your
mother's male kinsmen." Nevertheless, this is a statement that requires
more confirmation before it can be accepted because Tutrial, an excellent
informant, told me that very occasionally a married woman who has died
without issue is married a wife by her sister's son. From time to time
daughters of the dead woman's brothers and sisters are married and had
she been alive she would, on such occasions, have received a "cow of the
paternal aunt" or a "cow of the maternal aunt". One of her sisters
receives these cows in her place and she may use them and their increase to
obtain a wife to stand in the place of her sister, to bear children to her
sister's name. Tutrial said that she would persuade her son to act as
husband to her sister's wife. The dead woman now counts as a man and
her children may some day join her own people and leave the village of
their genitor (their mother's sister's son). When the daughters of this
union are married the cattle of the bride-wealth on the father's side go to
the dead woman's kinsmen because she is the pater. Since she counts as
a man the genitor will not get "the cow of the mother's sister" but "the
cow of the father's sister".

588 These vicarious marriages by women or on behalf of women are very
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537 woman eight, on the death of her husband, to go to live with one of his
538 brothers, since she was married with the cattle of their kral. This is not
746 a re-marriage. The woman is still wife (*cek*) to the dead man but she lives
with one of his brothers who takes the place of her husband, raising up
seed to his name, and acting as foster-parent to the children and bread-
winner to the family. Nuer never allow one to use the word "marry"
(*kaue*) in this connection and I have sometimes provoked them to merriment
by this mistake. They usually say *Ce cek duman loth dail*, "He
has provided his brother's wife with a hut". We may nevertheless
speak of this form of cohabitation as leviritic marriage. Nuer regard it as
so desirable and logical a custom that I always had the utmost difficulty in
explaining to them that in our country a widow may remarry. They
wanted to know how this could be so when cattle had been paid and were
scornful at the information that in Europe we do not pay bride-wealth.

[14] Leviritic marriage is very different from ghost-marriage as will be seen
when we consider the relations between the children and their genitor.
It may be said whereas a ghost-marriage means that the vicarious husband
537 actually marries the wife in the sense that he pays the cattle and performs
538 the ritual of marriage, even though it is to the name of another, in leviritic
539 marriage the legal husband has performed these actions and the brother
merely enters as pro-husband a family already in being. The widow is
always known as the wife of the dead man and the children clearly regard
themselves as members of a legal family to which their pater's brother
does not belong. The brother has less control over the widow than a
man has over his partner in ghost-marriage and he may be opposed by the
sons when they grow up.

Although this is not a marriage in the Nuer sense I use the expression
"leviritic marriage" for want of a better and because I wish to emphasize
the brother's legal position as pro-husband, for he has legal claim on the
services of the widow in virtue of his kinship to the dead man. It was not
the dead man alone who took her for wife but it was the brothers as a whole
who married her with their cattle. If she refuses to live with him he can,
in certain circumstances, divorce her, and if another man has relations
with her while she is living with him he can sue the man for adultery.
Leviritic marriage, therefore, like ghost-marriage must be conceived of as
a variety of legal marriage, being a union between three persons, the dead
husband, the pro-husband who is also the dead husband's brother, and
the wife. It differs from a ghost-marriage in that the husband and wife
at one time lived together in matrimony. A leviritic family, on the same
principle, consists of the dead husband, the pro-husband who is also the
dead husband's brother, the wife, and the children born of the wife. It
generally differs from a ghost-family in that the children, or some of them,
were begotten by the dead husband. Such a child is therefore a *ret*, or
orphan, and not a *gal jooka*, or ghost-child. Here again the pro-husband
can never be pater to children born of the wife, whether begotten by the
dead man or by himself. The simple legal family is contained in the
structure of the leviritic family as it is contained in the structure of the
ghost family.

SOME ASPECTS OF MARRIAGE AND FAMILY AMONG THE NUER 15.

Most African societies practise the levirate but the Nuer regulation by which the widow is still married to her dead husband profoundly modifies the practice in their society. It gives the simple legal family great stability and durability. The domestic group, the household, may break up through the death of the father but the simple legal family, the group of husband, wife and children born of the wife, endures. The personnel of the household may undergo many changes but the institution of the family is fixed by payment of bride-wealth which determines who is pater to any children born of the wife, whether the man be alive or dead. The family structure survives dispersal of its members and even the death of some of them.

But, although a wife is tied legally to her husband after his death, she has far more actual freedom than in societies where she can be remarried by one of her husband's kinsmen. The fact that she cannot become the legal wife of one of her dead husband's brothers considerably lessens their control over her. After her husband's death she can continue to perform her procreative obligations to him by bearing him children as well by a stranger as by one of his brothers, and she can rear her children in the home of a stranger as well as in the home of her husband's kin. Moreover, if during her husband's lifetime she bore him children her domestic and economic duties to her husband's people are adequately performed by her services to his children. In these circumstances, as will be explained more fully later, the husband's kinsmen must give her her freedom.

Leviritic marriage normally means the cohabitation of a man with his dead brother's wife. Sometimes, however, she lives with one of his sons. If a young man dies his children will not be old enough to take his wife. Also he is most unlikely to have another wife than their mother. Moreover, he probably has younger brothers who, being yet unmarried, have first claim on her services. When an old man, who has married several women, dies it is probable that most of the wives will be old also and elect to live with their own sons and daughters, or, if they wish to continue sexual relations, will choose to live with a lover who is not of their husband's kin. It is only when an old man dies who has lately married a young wife (who has not yet born him children, or who has born him a single child), and whose brothers are all married, that a son takes his father's wife.

Generally a young widow lives with a brother of her husband and it is only when there are no brothers living that she takes a lover from an unrelated, or distantly related, lineage. Tradition, good form, and threat of divorce, are powerful sanctions to conformity in this respect, though these influences are not so strong in the case of a half brother as in the case of a full brother, for a father's son of the dead husband has not the same claim on the services of the widow as a mother's son. Indeed, I was informed, among the Eastern Nuer especially, that a clear distinction is made between full and half brothers in respect of widows. After the death of a paterfamilias the children of each of his wives often live as largely independent economic units. If the mother is alive she cooks,

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587 milks the cows, and performs other domestic services for her sons. If
 768 she is dead and her eldest son is married his wife acts as a cook, house-
 593 keeper, and dairy maid, for her husband's brothers and sisters. Un-
 married youths are then dependent on the wife of a full brother for daily
 necessities and if he dies and his wife does not consent to live with one of
 them they lose not only a sex-mate but also a housekeeper, cook, dairy
 maid, and gardener. They therefore strongly object to her going to live
 with a lover outside their village. If they are on good terms with their
 half brothers they will not resist her desire to live with one of them but
 will group themselves around the half brother whom she has chosen to
 live with, and will share his byre and enjoy the services of their dead
 brother's widow in his homestead. I was told that if they are not on good
 terms with their half brothers they may object to the widow living with
 one of them and may tell her that if she refuses to live with a full brother
 of her husband she had better take a lover outside their kin and bear
 children to the dead husband by a stranger. Occasionally a widow lives
 with her husband's sister's son.

The very limited control of brothers over the widow of one of them is
 seen in domestic facts rather than in legal theory. In fact many Nuer
 widows do not live with kinsmen of their dead husbands. Among the
 Eastern Nuer it is hoped and expected that a young widow will consent to
 live with one of her husband's brothers or sons and her husband's kinsmen
 try to persuade her to accept this arrangement; but it is rare for them to
 force her to choose between divorce and levirite marriage and, if she
 declares firmly at her husband's mortuary ceremony that she will not live
 with one of his kinsmen, they permit her to take any lover whom she
 chooses. She then goes to "Give birth in the bush" (*dirch dor*), as the
 Nuer say. This means that she either continues to occupy her dead
 husband's homestead and there cohabit with one of the villagers, or that
 she leaves the village and goes to live as concubine to a stranger elsewhere.
 [848] Her husband's people permit her to take this course because all the child-
 [61] ren she bears are their children, being counted as sons and daughters of
 her dead husband. Her husband's people have legal rights over the
 children and may take charge of them in which case the mother, when she
 is old and past child-bearing, will probably return to her husband's home
 to be with her grown-up sons. "When a widow who has gone to live
 with a stranger is old and can bear no more children she will cease to
 wander and will return to her husband's people and settle there with her
 children."

Among the Western Nuer the kinsmen of a dead man insist that if his
 widow has not borne children, or has borne only one child, she must live
 with one of them. If she refuses they may claim back their bride-cattle
 [586] i.e. divorce her. If she has borne one child they leave six head of cattle
 with her parents to retain control of the child and to affiliate him to their
 lineage. But if she has borne two or more children to her dead husband
 his people cannot claim back their bride-cattle if she refuses to live with
 one of his brothers. *Ghok te johdien ka nath cas ka de lony*, "Cattle
 which have children on their backs cannot be returned".

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The attitude of the kinsmen depends largely on the widow's behaviour. If she refuses to live with one of them but consents to remain in their village, as a member of their *gal* or homestead, and there bear children to her dead husband by a man who is not of their kin they cannot easily find fault with her, and even if she has not borne her husband two children they are unlikely to divorce her for the children she bears are not only legally of their kin but are born amidst them and reared by them.

A widow is always asked at the gathering of her husband's kinsmen at his mortuary ceremony, on "the day of evil" (*sang gikni*) when they purify the mourners and send the ghost away from them, whom she wishes to live with. I was told that if she refuses the sons and brothers of her dead husband they ask her *Coko, pari bi na lam day hie bi lam cieng?* "O woman do you wish to become a concubine away from the village or to be a concubine at home?" A Nuer told me that on such an occasion *Cok na here aside yar be lar* "Ghan gan ca bi na lam gowah dadien, Me ca get coulda gar, be lam gulan". "A woman who is not a fool will say, 'I will not seek a lover in another place. Though I do not want a son of my husband I will take a lover in your home'". She will then cohabit with a member of her husband's village, maybe one of his more distant male kinsmen, maybe a villager of a different clan. Everyone is satisfied with this arrangement, for she still remains a member of their *gal* and her lover is a member of their village and he not only begets children for them but also becomes the protector and bread-winner of the surviving members of their dead kinsman's family. Sometimes the lover is not a member of the dead man's village but is a man of a neighbouring village who visits the widow there from time to time to cohabit with her and assist her in horticultural labour.

Widows who decide to leave the homes of their dead husbands often return to their own people and take lovers in the villages of their brothers. Thus, as will be seen later in the charts and diagrams referring to the village of Nyusny, we often find matrilocal and patrilocal residence side by side owing to the return of widows, bringing their children with them, to the homes of their kinsmen. It then often happens that children are brought up among their maternal relatives.

Often widows neither remain in the homes of their dead husbands nor return to their kinsmen, but go to live with lovers, sometimes in different districts and even in different tribal areas. If their children by their husbands are small they may take them with them so that during childhood they are members of the households of the lovers of their mothers. These men act as foster-fathers to the children.

It is impossible to say in advance which course a widow will pursue. Much depends on the character and social position of the husband's kinsmen and upon the strength of kinship sentiment among them. If there are full brothers of the dead man they may consider it their duty as well as their privilege to retain the services of "their wife", especially if she is young and they are unmarried. If there are only half-brothers of the dead man and still more if there are no brothers at all but only cousins, they have less control over the widow and less sense of obligation to the

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587 dead, so that they may view with equanimity the departure of the widow
763 and her children, having no feelings of class paragonage towards the man
593 and being assured that they will receive whatever bride-wealth is their due
591 on the marriages of the daughters, wherever they may be brought up.

Most depends upon the decision of the widow herself (rit ok). If she
[612] determines to live away from her husband's village with a stranger his
kinsmen warn her that any children she may bear are the children of her
husband and that one day they will bring them to their father's home.
[582] Among the Eastern Nuor, only if she does something that deeply offends
them will they divorce her. Among the Western Nuor they may divorce
her if she has not borne her husband two children but how often this is
done I cannot say.

Occasionally, I was told, a man directs (sup) from his deathbed that a
certain kinsman is to live with his wife. It is difficult for a woman to defy
[716] such an injunction because Nuor believe that if she does so the ghost of
her husband will haunt her and she will cease to bear children or her
children will die.

587 A widow who lives with a stranger after the death of her husband is
611 called *ok ma lak* and a child born of such a union is called *got lak*. The
children of a widow wherever they are born, or by whomsoever begotten,
count as children of her dead husband, the man to whom she was married
by payment of cattle, whether she was married to him in his lifetime or
reticulously after his death. If the husband dies, or was already dead
before his marriage, the actual configuration of the household may alter
but the formal structure of the family remains the same. Indeed the
family may never be a group of people with real interrelations because the
husband and the father may have died many years before his marriage to
his wife and the birth of his children. Among Nuor the pater is the
husband to the mother. His legal fatherhood is defined by his status to
the mother of the children and not by his physiological functions.

587 A *ok ma lak* is translated in this paper as "widow-concubine" for the
593 is living simply as a concubine to her lover and he has no legal rights over
her. He cannot compel her to live with him and cannot claim compensa-
tion if she commits adultery. He has no legal control over the children
who can be taken away from him by her husband's kinsmen whenever
they choose to remove them. His position is thus very different from
that of a man living with his dead brother's wife. If she leaves him he
can divorce her and if she commits adultery he can obtain redress. More-
over, he has legal control of the children during their minority and no one
can take them from him as he stands in the place of the pater.

The group that results from the union between a man and a widow-
concubine when the children are born by the concubine to her lover is a
natural family which stands in what is sometimes glaring opposition to
the legal family. The corner-stone of the natural family is the genitor
who is acting as husband and foster-father. The corner-stone of the
legal family is the dead husband and pater. According to circumstances
the position of the genitor in a household of this kind may be precarious
or his relations to members of his natural family may approximate to

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those of a pater towards members of a legal family. It must be emphasized that while the natural family is not a legal family the position of the genitor is socially recognized in a number of ways and that the natural family is often a group of persons living in a common household and co-operating in economic and other domestic undertakings. Widow-concubinage is not a purely biological union nor is the natural family a purely biological group.

Sometimes a widow elects to live with a clansman of her husband. In this case Nuer speak often of his relationship to the widow as leviritic marriage but this is by courtesy and his legal position is not much better than that of a totally unrelated man would be. I only speak of leviritic marriage, therefore, when it is a brother or son of the dead man who takes his wife.

The simple legal family is not contained in the structure of the natural family in the way it is contained in the structure of ghost-families and leviritic families, and the natural family cannot be regarded as a variation of the legal family, because, whereas in ghost-families and leviritic families the legal representative of the pater is the foster-father, and maybe the physiological father, of the children, in the natural family the legal representative of the pater is not the physiological nor entirely, if at all, the foster-father of the children. In fact, as we shall see later, there may be a struggle between the interests of the natural family and the interests of the legal family, as represented and expressed by the legal representative of the pater.

It will have been seen that the role of a father among the Nuer is often split and different parental functions are performed by different men. The man who was married to the mother of children at the time of their birth we may call the pater or legal father. The man who begot the children we may call the genitor or physiological father. The man who who acts as protector and bread-winner to the household of which the children and their mother form part, and who performs all those intimate services towards the children which are generally associated with the status of father, we may call the foster-father. I refrain from calling the pater the sociological father because all the men who perform these different functions receive social recognition.

When children are born in the union of simple legal marriage the same man is pater, genitor, and foster-father. When children are born in the union of ghost-marriage or in the union of leviritic marriage one man is the pater, and another man is both genitor and foster-father. When children are born of a widow-concubine, the pater is her dead husband, the genitor is her lover, and the part of foster-father is played in early childhood by her lover, or lovers, while in later childhood and in adolescence it is often played by a kinsman of the pater.

IV

In true marriage, ghost-marriage, leviritic marriage, and widow-concubinage a mother is always legally married and all her children belong in virtue of her marriage to her husband's lineage and clan. But there are

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also in Nuerland many children born of unmarried mothers and children born of an unmarried mother may belong to different social groups, because their physiological fathers have a right to pay a fee of from four to six head of cattle to legitimize their natural children. The payment of a fee makes the child a member of the genitor's household. The genitor of the child of an unmarried woman is also his foster-father if the man and woman continue to live together. If the woman takes a new lover she goes to live with him and if her child is small she takes it with her. In this case the genitor is one lover and the foster-father is another lover but when the child is older he becomes a member of his genitor's household. A child of an unmarried woman has no pater but his genitor becomes his pater, on payment of a fee (*rook*). This fee becomes the property of the woman's father and is not divided among her kinsmen as bride-wealth is divided.

Many a Nuer girl finds cohabitation with the husband to whom she has been espoused too painful to continue and if she is stubborn she will provoke a divorce. This may happen a second time with a second husband and her parents finding they are unable to crush their daughter's rebellious spirit let her do as she pleases since constant return of her bride-cattle involves them in trouble and difficulties. Such a girl thereupon cohabits with a man of whom she is fond. If she is restless she may spend a few years with one lover and then a few years with another. She moves from village to village taking her infants with her and bearing children by a number of different men. In every Nuer village where I made enquires I have found one or two unmarried mothers. Nuer call an unmarried mother (*cek ma lea*) and in this paper they are referred to as "unmarried concubines". The child of an unmarried concubine is a *gat leaka*.²

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In some respects the social position of unmarried mothers, and their children, is not as high as that of wives, and of children born in wedlock. The mothers do not stand so high in public esteem and in a quarrel a man may throw the reproach of bastardy at the child of an unmarried concubine. A man who has begotten a child by an unmarried concubine is seldom eager to legitimize his union with her by payment of bride-wealth because these women are known to be restless and he expects that she will one day leave him as she has left a previous lover to come and live with him. But they are not treated as of inferior status and their lovers behave towards them as towards wives—in fact they often treat them better than wives for if a man fails to treat his concubine well and to perform those services to her which a man is expected to perform for his wife she will leave his home, whereas a wife is not in a position to depart so easily. One cannot tell who is wife and who is concubine in a household by bare observation of their behaviour and the behaviour of their

² In Lou country people often speak of them by the term for the children of widow-concubine, *gat lake*. In this part of Nuerland the expression *cek ma lak* is seldom used for a widow-concubine. Linguistic differences of this kind are often found in different parts of Nuerland but I have not considered it worth while always to record them.

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611 pater may count in childhood it grows in importance as the children reach manhood.

● 573 (C) Children may be born into two families and brought up in several households. This may lead to a clash of interests and divided loyalties. This is most likely when the pater is represented by a man who is not the genitor and foster-father of the children, and is least likely when the genitor and foster-father is a legal substitute for the pater.

611 (D) Legal paternity has a very different significance in the case of sons and in the case of daughters. The pater's kin want the sons to live in their home for reasons of sentiment and because they increase the strength of the group. The sons are drawn to their pater's kin by sentiment and self-interest. Their pater's people are their true kin and only in their pater's village are they owners of the soil and of the cattle. A man who wants to inherit his father's cattle and to receive portions of the bride-wealth of the daughters of his kinsmen should go to live among his father's kin and there marry a wife and beget children to their lineage. The pater's kin care little whether his daughters come to live with them or not. "Daughters are unrelated persons." They will bear children who will be members of other groups. So long as the pater's kin receive the cattle of their bride-wealth they do not mind what happens to their persons. Daughters often do not, therefore, join the kin of their paters but may be married from the homes of their genitors or foster-fathers. They are not compelled by sentiment or self-interest to join the kin of their paters.

583 (E) Types of procreative unions and families are classed by the nature of the social tie that links children to their pater, and of the social relationship between pater and genitor, and not by the tie that links the children to their mother. This is because the mother is comparatively unimportant from the legal standpoint since men take their status and derive their privileges mainly from their pater. Moreover the functions of motherhood are not divided among several women as the functions of fatherhood may be divided among several men. The legal mother, defined by the bride-wealth paid to her kin on her marriage, and by the cattle she receives as such on the marriage of her daughters, is always the biological mother. Motherhood has only split roles when a woman lives apart from her children, as may happen with widow-concubines, and in these cases the women who provide the children (who are not their own children) with food do not receive legal recognition of their services. The general social, rather than specific legal significance of motherhood is treated elsewhere.

583 (F) I do not more than draw attention here to the effect on kinship structure and sentiment of the different types of procreative unions. The fact that men in ghost-marriage and levirite marriage raise up seed to their kinsmen has the effect that the group of kinsmen have closer relationships and a greater sense of common interests than they would have if they were all children of different simple legal families. The wider kinship group gains at the expense of the restricted family group. The prevalence of widow-concubinage and unmarried concubinage also strengthens sentiments of kinship, because there is in these cases no single undivided

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Nyueny is one of the finest ridges (thur) in Western Nuerland and in times of flood the people of neighbouring villages encamp there. This advantage is slightly offset by the corresponding fact that there is often insufficient water for the cattle early in the dry season, so that the people of Nyueny are among the first to move to dry season camps. The population of the village is approximately¹ 129 souls.

The village, commencing from the outlying hamlet of Dorpan, consists of the following 26 homesteads.

Homestead No. 1 Nyaluthni ♀ — Rial ♂. She is a barren woman with many cattle which she has obtained partly as fees, for she is a well-known diviner and magician, and partly from the bride-wealth of her nieces, for her brother has several daughters and she not only gets the cattle due to a bride's paternal aunt but also some of those due to a bride's paternal uncle, because, being barren, she counts in some respects as a man. She exchanged a Dinka woman for cattle (*ce rek jaanga luk ka ghok*). This was not, properly speaking, a marriage but we might describe it more correctly as an exchange or even a purchase. This woman, Luel ♀, bore two children, Majak ♂ and Nyagai ♀, by a Dinka man. Nyaluthni has also married, by payment of bride-wealth and by performance of the usual ceremonial, two Nuer girls. One Nyabuor ♀, gave birth to twins, of whom Ruth ♂, survives, by a man of the Jikul clan, Wecyl ♂ by name. When Wecyl ♂ died she cohabited with a Jikany man called Kemkin ♂, and she is now in child by him. The second girl, Nyakoka ♀, has recently been married and she has not yet borne children. She cohabits with Rwot ♂, a kinsman of Nyaluthni of the Tedar minor lineage.

These men do not live in Nyaluthni's homestead but frequently visit it and stay there for one or several nights. They hoe her gardens and are chosen to cohabit with her wives because they are known to be hard-working gardeners. They are given meals when they are present, and on the marriage of the daughters he has begotten the genitor will receive a cow from the bride-wealth of each.

Nyaluthni (generally known as Nyarial after her father) is the pater of the children of her wives and she is always spoken of as such when their names are mentioned. Thus people always speak of Majak ♂ — Nyarial ♀ and Nyagai ♀ — Nyarial ♀. Her children address her as *gwa*, "father", and not as *ma*, "mother". She is a woman of outstanding character, with fine features, and always well-dressed. She is very competent and runs her homestead like a man. If her wives are lazy or disobedient she beats them. They treat her with the respect due to a husband and place meals before her with the same ceremony as they would employ to a male husband. She speaks of them as "my wives". She directs the business

¹ I say "approximately" because it was not my intention to compile a census though in fact I did so in the course of my enquiry into matrimonial conditions in the village. Consequently it is possible that two or three girls whom I have reckoned as residents are married to husbands in other villages. This may have been the case at the southernmost end of the village. I know everyone in the of rest the village too well for this mistake to have been made, enquiry always being controlled by personal contact.

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592 of the kraal and homestead with the skill of an experienced herdsman
 ● 593 and householder and stands no interference in matters pertaining to the
 588 cattle, even from her initiated son, Majak ♂.

592 *Homestead No. II.* Col ♂ — Ngunjok ♂. He lives with Nyarueni ♀
 588 whom he married to the name of his father (see Diagram No. VII). He
 is now contemplating marriage on his own account. I am uncertain
 whether Nyarueni has a baby or not. The byre of this homestead origin-
 ally belonged to Wec ♂ (see Homestead No. X.), who sold it to Col ♂ for
 a he-goat. One of the huts belonged to Nyaluthni ♀ (see Homestead No.
 I), who lived there for a time before moving to her present hamlet.

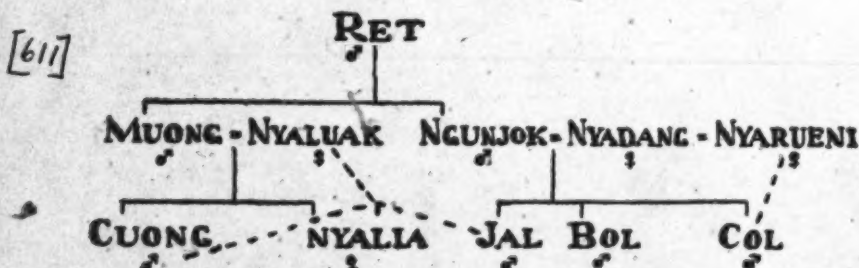


Diagram VII

Homestead No. III. Baranyai ♂ — Kwenwar ♂. He lives with a woman whom he married to the name of his maternal uncle Yoah ♂ — Pan ♂. In our village we speak of Baranyai's mother as Nyajal ♀ — Kuth ♂ and those who know about her brother speak of him as Yoah ♂ — Kuth ♂ but this usage is not correct because their pater was Pan ♂, a man of the Jikul clan. After Pan's death in an epidemic of smallpox his children were brought up by Kuth ♂. On the marriage of Baranyai's sisters there were no claimants to the bride-wealth on the maternal uncle's side, Yoah ♂ and his brothers and sons being all dead, so "the cattle of the maternal uncle" went to Baranyai and his brothers. Baranyai received most of them and married his maternal uncle a wife with them. He has begotten by her Ngundeang ♂, Rwot ♂, and Thak ♂. A natural son of Baranyai ♂, named Gakuak ♂, also lives here. He was born of a widow-concubine, Nyadang ♀ (see Homestead No. XXI). Baranyai also has a small daughter by another widow-concubine, Nyadut ♀, (see Homestead No. XVIII). She lives with her mother. Baranyai has no legal wife of his own.

Homestead No. IV. Nyamani ♀, widow of Luak ♂. To her husband she bore Bilieu ♂ and a daughter. Since her husband's death she has cohabited with Panyuan ♂ (see Homestead No. IX) by whom she bore twins who died and Bol ♂. She was pregnant with another child when I left the village. See Diagram No. IX.

Homestead No. V. Wang ♂. He is unmarried.

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592 death.) Yang ♂ cohabits with Nyabuk ♀—Riaagh ♂ who lives in his
homestead. She is a widow of Thiac ♂—Jok ♂, of the Diany section.
[764] By her husband she bore Nyalani ♀ and by Yang ♂ she bore Nyawura ♀
who was killed by lightning and is honoured by a ceremonial post in
Yang's homestead, Jany ♂, Nyabiel ♀, Nyangir ♀, and two other children
who died. Yang ♂ is betrothed to a girl but she has not yet borne him a
child and still lives with her parents.

592 Homestead No. XX. Dhoal ♂—Cuc ♂ (a Dinka who was given Nuer
588 kinship). He had relations with Gol ♀—Gek ♂, an unmarried girl, who
bore him Rwac ♂. The mother is dead and the boy has been legitimized
by payment of a fee. He has recently been initiated in Dhoal's home-
stead. Dhoal ♂ now cohabits with Nyabiem ♀—Kan ♂, a widow of a
man of the Jwal clan. She lives in Dhoal's homestead. After her
husband's death Nyabiem cohabited with one of his kinsmen, Gany ♂—
Bul ♂ to whom she bore Nyagac ♀, at present living with her mother.
She came to live with Dhoal ♂ after separating from Gany and bore him
Nyabilieu ♀ and another daughter who is still an infant. Dhoal ♂ also
cohabits with Nyadhiac ♀ who lives in an adjacent homestead, No. XXIV,
and has begotten several children by her; and with a young woman of the
Dok tribe who has run away from her husband in Dok country and taken
up her residence in Dhoal's home. She has not borne him any children
but is said to be an excellent cook. As her husband's cattle have not been
returned she is living in adultery with Dhoal but since she refuses to live
with her husband and since she is a member of a distant tribe she counts
as equivalent to a widow-concubine and is not counted as an unmarried
concubine.

592 Homestead No. XXI. Nyadang ♀—Luk ♂ (of the Jikul clan). She is
588 a widow of Dit ♂—Bicuk ♂ of the Keunyang section. Her only living
● 593 child by her husband is Nyakwoli ♀. Two are dead. After her husband's
death she cohabited with Baranyai ♂ of Homestead No. III. By him she
bore a son, Galuak ♂, who lives with his genitor, twins who died, and
another son, Bol ♂, who was drowned when crossing a river during flight
from a Government punitive expedition. Owing to these deaths Nyad-
ang's genealogy was more closely enquired into and it was discovered
that she was distantly related to Baranyai. They thereupon ceased to
cohabit and Nyadang took Nhial ♂—Tweth ♂, of Homestead No. XXIII,
as a lover. She bore him Nyabilieu ♀ but left him because he used to
beat her and she now cohabits with Mokwac of Homestead No. XVI.
She has not borne him any children but "cooks for him". Nyadang's
unmarried brother, Wal ♂—Luk ♂, lives in this homestead.

592 Homestead No. XXII. Nyagany ♀. She is barren. She was divorced
588 by her husband, Deng ♂, a Lek tribesman, and then cohabited first with
Mok ♂—Jang ♂, another Lek tribesman, then with a Rengyan tribesman,
and at present with Mabil ♂—Wel ♂ of the village of Nyang.

592 Homestead No. XXIII. Nhial ♂—Tweth ♂ (brother of Nyadut ♀ of
595 Homestead No. XVIII). He is Bor tribesman. He has two wives:
Nyaboth ♀—Lam ♂, a Jikany woman of the Gai section, by whom he has
a small son; and Nyantual ♀—Deng ♂, a Jikany woman of the Gom

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may use the same terms of address to the kinsmen of his genitor as are used by a son to the kinsmen of his pater.

X

Often there is opposition between the interests of the legal family and the interests of these other forms of bio-domestic groups, i.e. between the interests of the group united by marriage and descent and the interests of the procreative group united by sentiment and common residence and life. A child is a member of both groups and it often happens that the privileges he derives from membership of the one clash with his feelings towards the people of the other. The extent to which this opposition affects the lives of the persons concerned depends on conditions which vary in each case. It is impossible in advance to know how any particular person will be affected. One can only guess how he will act when one knows the characters and status of the people involved. But the normative principles that govern the behaviour of parents and children may be explained and, in any particular case, their actions will tend to follow the lines here laid down.

For the reason explained earlier only the position of sons is considered. Daughters will not stay either with their genitor or with the kinsmen of their pater, but become members of their husband's household. Control over their persons is therefore not disputed and division of their bride-cattle is so well defined by law that it is of minor importance in which locality they are brought up.

The simple legal family in which husband and wife are both the legal and the physiological parents of the children, and have brought them up, has great cohesion, and permanent lines of descent join the father and his sons. The relations between members of such a family are described elsewhere and here it is only necessary to point out that it has an advantage over the other domestic groups under discussion in that the formal status of its members towards one another is generally in harmony with their sentiments, e.g. the feelings of respect and affection of a son to a father are directed towards a man who actually is his father in the full legal sense. Also even when there is friction between sons and their father there is no opposing group to which the sons can attach themselves without losing to some extent the privilege of their birthright. This emerged clearly from a statement made to me by Nhial who was openly on bad terms with his father: "If he (my father) had been my genitor only (and not my pater) I would long ago have left him and started a kraal of my own." A youth is very firmly bound to his family from motives of self-interest no less than by habit and sentiment of home. If he leaves his family he will not go to live at the home of another man he calls "father" but at the home of his mother's brother.

When a man marries a wife to the name of his father or brother or paternal uncle the relations between the members of the group that ensues are the same as relations between members of a simple legal family during the childhood and boyhood of the sons, as far as can be judged from behaviour and expression of sentiment, and it is only in legal alignment

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593 that the groups differ. But when the sons become men, there is this
602 difference between them. A son in the simple legal family has no property
428 rights independent of his father. He does not own cattle in the family
herd, which belongs to the father, and he only has disposal over cattle by
permission of his father or as his father's heir. But when a man has
married a wife to the name of his paternal uncle, or to the name of his
brother, the son whom he begets is his father's brother's son, or his
brother's son, and belongs to a different family and potentially to a different
gol (household) to the man who has begotten him. When this son
grows up his legal personality is not therefore merged in that of his genitor
but in that of his dead pater whose status he assumes and whose property
rights he inherits. If the pater left cattle the genitor ought to have held
these cattle in trust for his son. Even if the pater, as is often the case, had
no cattle when he died, he had potential rights in the herd and these rights
his son inherits. Moreover he is almost certain to have had rights in the
bride-wealth of female kinswomen and as these cattle became due to him
they ought to have been held in trust for his son. The genitor has no
legal rights over these cattle. Consequently if a son born in the union of
ghost-marriage does not agree with the man who stands in the place of his
pater, he is able more easily to take up an independent position, by
assuming his pater's status, than a son born in the union of simple legal
marriage. The one is already the head of a *gol*. The other only becomes
the head of a *gol* on his pater's death. The genitor of a ghost-child is not
his pater but a fellow-kinsman and to some extent a peer, and without the
legal authority that a pater has over his son. However, I know of no
serious dispute between a son born of ghost-marriage and his genitor for
the genitor stands in the place of the pater and has the same desire to see
his sons happy and wealthy. A son is generally content to let his genitor
use his cattle as the genitor pleases during his boyhood, being well
assured that when he is old enough to marry he will be well provided for
and that far from the genitor's legal sons being favoured at his expense it
is he who will receive priority.

604 When a man marries a wife to the name of his maternal uncle a more
428 delicate and complicated set of interrelations are brought about. Such a
marriage usually takes place when the dead maternal uncle has no close
agnatic kinsman, and the sister's son often marries him a wife with part
of his maternal uncle's herd and takes charge of the remainder of it. In
childhood the relations between parents and children are the same as
those between members of a ghost-family in which pater and genitor are
agnatic kinsmen, but when the sons grow up differences between them
and their genitor are likely to be more acute if the genitor has abused his
position of guardian and trustee. For whilst it is no great abuse of trust
for a close agnatic kinsman of the pater to use the pater's cattle for his
own purposes since he is a proper substitute for the pater in the sense that
they belong to the same agnatic, and therefore cattle-group, the sister's
son belongs to a different kinship group to the pater and one that does not
herd its cattle in common with the pater's people nor share the obligations
of mutual assistance and blood-revenge. When the daughters he begets

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588 the mother" may then mix with the genitor's herd and he held in trust by
428 him for the brothers of the brides. In such cases the genitor has assumed
the full responsibilities of a pater and the daughters will be married from
his home and the sons initiated there. Even so the widow and her lover
may occupy nearby but separate homesteads, each family keeping itself
spacially distinct as they are legally distinct. Panyuan's father-in-law
and mother-in-law live in such circumstances.

Since a lover does not have control over the pater's cattle he is at a
serious disadvantage when his natural sons grow up for they will want to
own cattle both for display and for marriage and are drawn irresistibly to
the home of their pater's kinsmen in whose charge are the cattle. It
would be very difficult for a boy to remove the cattle to the home of his
his genitor. That would cause a row of the first magnitude. A dead
man's cattle must occupy his byre till his son is old enough to be initiated
and to take his father's place in the byre. It is only when a genitor is rich
in cattle and his natural son is assured of marrying a wife from his herd
while his pater's kinsmen are poor and have no cattle to give him that he
might remain with his genitor instead of joining his uncles. I think that
this is rare. Where there are full-brothers of the pater alive and where
the pater's herd still exists there are these two powerful magnets, sentiment
of kinship and sentiment of cattle, drawing a boy away from his
mother and his natural father.

Of the two, sentiment of kinship is perhaps the stronger. A man who
lives in his genitor's homestead and village is always to some extent an
outsider living there on sufferance. A man who lives in his pater's home-
stead and village is there by right of birth. The byre he sits in is his own
byre. When he sprawls in contentment in the ashes of the *gol* (household)
it is his own *gol* and from it he watches his own herds. He is one of a
band of owner-kinsmen. To one he is a son, to another a brother, to yet
another a father. Hence a Nuer said to me when explaining the position
of a boy born of a widow-concubine: "He will visit his mother and the
man who begat him now and again, sometimes for a month or two, but his
home is the home of his dead father."

A youth's allegiance also to some extent depends on the precise nature
of the widow-concubinage in which he is born. If the widow continued
to live in her dead husband's village or if she went to live with her own
people and was merely visited from time to time by a lover for procreative
purposes the genitor counts for little. But if her lover formed part of her
household, even if not entirely resident there, he is of greater importance
and the children will retain their affection for him and pay him frequent
visits if he is later separated from them, for they will be brought up
among their paternal or maternal kinsmen while he may return to live
among his own people.

588 When the widow lives at her lover's home and the children are brought
428 up there the relations are more complex. The genitor has no legal control
over his sons and if one of them has a disagreement with his genitor he
● 593 will join his true kinsmen without qualms. It is to his interest to join
them and if it is also his inclination to separate from his genitor his separ-

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ture will be easy and final. But normally the bonds of affection between genitor and his sons are strong because the genitor, knowing how deep an influence feelings of kinship and cattle interests will have on his sons when they grow up, tries to win their love while they are still small so that it will endure all the changes of life. He pets them, feeds them, attends to their infant needs, and plays with them. 588
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A Nuer once said to me: "When a man has a son by a widow-concubine he wishes the child to be with him the whole time so that when the child grows up he will know him and not desert him but remain in his home." Another Nuer said: "A man will be irritable with his own son and swear at him saying, 'I will commit sodomy with your mother right now', but he will not speak thus to his son by a widow-concubine. He pets him and wins his affection so that he will stay with him always." [831]

Yet however strong the affection between a genitor and his sons born in widow-concubinage they often desert him when they grow up and go to live among their own kinsmen. This is a great stumbling-block to Nuer. You love and nourish the children of your loins but one day they say that they are going to the *gol* (household) of their father who married their mother with cattle. "You think how when they were little you carried them in your arms and played with them and fed them with titbits, and now they have gone to live with a man who did not bring them up, because it was with his cattle that their mother was married." People say: "Look at the *gol* (household) of so-and-so. It was once strong in young men. Now his *gol* is weak. Oh these children of widows!" They say also: "Better the children of an unmarried concubine for they are your own children. They may visit the home of their grandparents (maternal) but they are children of your *gol* and they will not desert you when you are old. But the children of widows will grow up and yearn for their own people and leave you who have brought them to manhood."

Sentiment and self-interest draw a man away from his genitor and foster-father towards his kin. His kin welcome him to his paternal home and give him the full status and privileges to which his birth entitles him. The stigma of being born a *gat laka*, a "child of widow-concubinage" is not attached to a man in his pater's village. He is by rights a member of his pater's group and Nuer do not consider it ignominious for him to have been born in concubinage. On the other hand a man who remains in his genitor's village may have the stigma of his birth cast in his teeth in quarrels. People may speak contemptuously of him as *gat l. meneme*, "that son of a concubine". I was told that the boys of the genitor's household would be careful not to make remarks in his hearings for he would be angry if he heard them, and that they would not allow an outsider to insult the boy with impunity. But the genitor's legal sons, his natural half-brothers, may let him see that they do not regard him as one of themselves. If he is unhappy in his genitor's village he may join his pater's people or, if there are no close kinsmen of his pater alive, he may go to his maternal uncle who will not refuse him a home and cattle. But

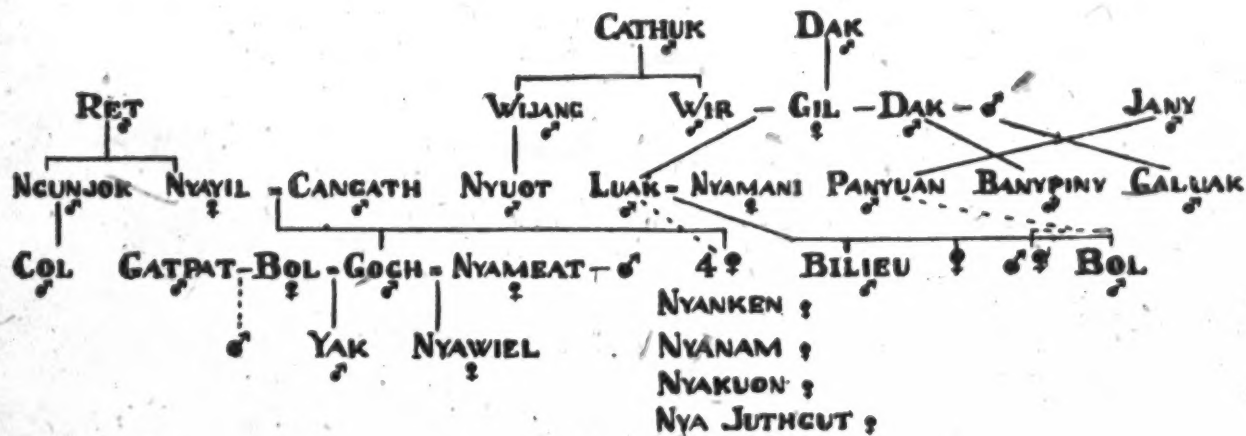


Diagram IX

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if his genitor gave him cattle the sons of the house would not let him take them to another village. 588

However, as stated previously, one cannot be certain in any given case what will happen and it is only possible to indicate general principles from the statements of Nuer, particularly from their statements about actual cases. 428 593

An instructive and typical case is that of the family of Luak ♂ (see Diagram No. IX). Luak was the son of an unmarried concubine, Gil ♀, who cohabited with his father, Wir ♂. At other times she cohabited with Dak ♂, by whom she bore a son, Banypiny ♂, now dead, and with a Jikany tribesman by whom she bore another son, Galuak ♂, also dead. When Luak ♂ grew to manhood he lived with the widow of Cangath ♂, named Nyayil ♀ who bore him four daughters. He also brought up Gogh ♂, a son of Nyayil ♀ by her husband. There were strong ties of affection between Gogh ♂ and Luak ♂, and when Gogh ♂ after his country had been raided by a Government patrol came to Nyueny to live with his maternal uncle, Ngunjok ♂, his foster-father (Luak) accompanied him. Gogh ♂ died from a fishing-spear wound received at a scramble for sacrificial meat. He left two widows, Nyameat ♀, who now cohabits with a Lek tribesman and Bol ♀, who now cohabits with Gatpat, a Dok tribesman in Government employ. Bol ♀ has borne Gatpat ♂ a male child.

When Luak settled at Nyueny he married Nyamani ♀ (Homestead No. IV) by whom he begat a daughter, who is married, and Bilieu ♂, a boy who is about twelve years of age. When Luak ♂ died there were no kinsmen closely enough related to Bilieu ♂ to take charge of him, Luak's two uterine brothers having predeceased him, so he and his mother remained in his father's home. His nearest agnatic kinsman was Nyuot ♂, Luak's father's brother's son.

The widow Nyamani ♀ then became concubine to Panyuan ♂ of Homestead No. IX. She bore him twins who died and Bol ♂ who is alive. Panyuan ♂ lives with his brother, Karlual ♂, but spends a great part of the day at Nyamani's homestead and, were she not pregnant, would be sleeping there at night. He is a hard-working gardener and the garden he has cultivated for Nyamani ♀ is one of the most extensive and best-wooded at Nyueny. He acts as a father towards both Bilieu ♂ and his own son Bol ♂, and would like to bring them up as if they were his legal sons and to make them permanent members of his byre and to initiate them at his home. He assured me again and again that he would never willingly consent to their departure from the village. So far all is well. The paternal kinsmen of the boys show no great interest in them and in any case would find it difficult to interfere with the family while it remains in Luak's homestead. As Panyuan ♂ said about himself and Luak ♂: "After all we are members of the same local group (*wec*)".

But Panyuan ♂ is well aware that he has no legal control over the children and that when Bilieu ♂ is initiated next year he may lose them for Bilieu ♂ will then be head of the family and will have control over his brothers and sisters and the cattle. If he and Panyuan ♂ do not agree together or if the village does not suit him he may migrate to his father's

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kinsmen and take his family with him. It is quite likely, moreover, that Panyuan ♂ and Nyamani ♀ will drift apart when Panyuan ♂ brings his recently espoused bride to his home, for she will be mistress of the home and reside in it whereas Nyamani ♀ will remain in her dead husband's home. It is not feared that the two women will quarrel but it is anticipated that Panyuan ♂ will naturally no longer feel his interests so bound up with Luak's family when he has a family of his own. At present, from Bilieu's point of view, Panyuan ♂ is attached to Bilieu's family and homestead, but when Panyuan ♂ becomes an independent householder it is they who will be living as an adjunct to his household. I was told that the relations between the new wife and Nyamani ♀ are likely to be influenced by the fact that the new wife belongs to the Gaawar clan and Nyamani ♀ to the Jwal clan. Members of these two clans may not share the same shelter during rain, a prohibition that makes close domestic intercourse difficult during the rainy season.

The family possess very few cows and these are tethered with Panyaun's cattle in his brother's byre. Bilieu's elder sister ran away with a man and Bilieu ♂ being still a boy was unable to extract cattle from him. His kinsmen did not offer to act on his behalf in the matter, Panyuan ♂ had no locus standi, since he was not the girl's pater or his representative. When Bilieu is initiated he will insist on bride-cattle being paid.

When I have suggested to Panyuan ♂ that he may one day lose his children by Nyamani ♀ he has always refused to countenance the suggestion, saying: "They are my children and will remain at my home." But he knew well enough that the decision will rest with Bilieu ♂, who though still a boy, understands the position clearly and knows his rights. If they disagree they will try to settle the matter amicably because if either the living genitor or the ghostly pater is angered the children may die. If Bilieu ♂ says that he is going to move and to take his cattle with him Panyuan ♂ may ask for his children to remain with him and for the cattle to be divided but Bilieu ♂ would be against such a proposal. What finally happens will depend most on the wishes of Nyamani ♀ for Bilieu ♂ will listen to his mother's advice. My own opinion is that the whole family will move during the next few years and that they will leave a few cows with Panyuan ♂ in recognition of his services.

Panyuan ♂, therefore, as other men in his position, tries to bind his sons to him by strong ties of affection. Bol ♂ accompanies him everywhere, holding his hand, sitting on his thighs, and playing with him. He is overjoyed when he sees his father coming and weeps when he sees him setting out on a journey. Panyuan ♂ is his father, comrade, protector, and playmate. The road to children's regard being through their bellies Panyuan ♂ always brings back from a feast choice titbits for his little son. He also treats Bilieu ♂ with kindness and indulgence and tries to win his affection but in Bilieu's case it is not so easy because he knew his real father.

Panyuan knows that once he has won the affection of the children, they will not forget him when they grow up and, that even if they move to another district they will often visit him and spend weeks at his homestead. If they are in trouble in their new home they will think of their father who

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brought them up and of his old kindness and will join him again. The bond of love will never be entirely broken. 588

If a genitor wins the affection of his sons in this way he may be able to keep them with him, especially if he and the kinsmen of the sons occupy the same village. Thus Galuak ♂—Diet ♂ lives with his genitor although his mother and his legal brothers are living at the other end of Nyueny. Galuak is now a man and can decide for himself in which homestead he wishes to reside and as he lives in their village his brothers do not object to his remaining with his genitor. Baranyai is a very straightforward man and his son knows that he will be able to marry a wife from his genitor's herd when he is old enough to do so. His interests need not therefore conflict with his affections. His relations with his legal brothers are harmonious but "they have the business of cattle between them. That is all", i.e. they have the legal status of brothers and cattle of the bride-wealth of kinsmen are divided accordingly, but they do not otherwise behave as brothers. 428 593

Nevertheless, if I were to bet on whether a man remains finally with the people of his pater or the people of his genitor I would always back the pater's side. Most experienced Nuer take this view. Thus when I consulted Karlual ♂ about the relation between his brother Panyuan ♂ and the children of Nyamani ♀ he gave it as his opinion that Panyuan ♂ might keep his children by winning their affection and by retaining the goodwill of their mother though he considered that it was most unlikely that he would keep them, and added that if the family wished to move Panyuan ♂ would be unable to prevent their departure.

He quoted his own case in support of this view. He at one time lived with Mer ♀, the widow of Nyong ♂—Bidiit, by whom he begat two children, Nhial ♂ and Nyaluk ♀. He brought them up in his home and Nhial ♂ was even initiated there, but one day in his absence the widow departed, her children with her, to Rengyan country to the home of Dang ♂, her dead husband's son by another wife. Nhial ♂ is most unlikely to join Karlual ♂ because the only reason for doing so would be a quarrel with his half-brother Dang ♂ and since he has his own herd the most frequent occasion for quarrels between brothers is lacking.

Karlual also at one time cohabited with Nyapini ♀—Wic ♂, the widow of Bup ♂—Thol ♂. She bore Karlual ♂ two children Gaac ♂ and Nyatop ♀, before she was killed by lightning. Both children are now living with their pater's kinsmen and Karlual has no hopes that they will ever come to live with him.

Karlual is himself a *got laka* (son of a widow-concubine) and though his own history illustrates the circumstances in which a genitor may retain the children of a widow-concubine it also shows how powerful are sentiments of kinship even when conditions are least favourable to their growth. 587

Kwenwar ♂—Cueny ♂, an aristocrat of the Lang tribe married Nyajal ♀. He died in a year of famine shortly after his marriage and his wife came to live with a man of the Juak clan in Karlual tribe. This man, Jany ♂, was for a time ignorant that Nyajal ♀ was married and thought 588 428 593

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587 she was an unmarried concubine.
588 By her Jany ♂ begat Karlual ♂,
428 Gogh ♂, Baranyai ♂, Nyaudol ♀,
593 and Nyaruithni ♀. Jany also
married a wife, Nyamani ♀, to the
name of his dead father, Col ♂,
because he thought that his father
ought to have a second wife. By
her Jany begat Nyadang ♀, Nyawal
♀, Meat ♂, Panyuan ♂, Nyakwoth ♀
(married in Lek country), and
Nyangir ♀ (married in Jikany
country). Jany ♂ also had relations
with an unmarried concubine
Nyalieih ♀, by whom he begat Loc
♂, Lathjor ♂ (dead), Gwanbul ♂
(dead), Bi ♂ (lives in Lek country),
and Wec ♂. After Nyalieih ♀ bore
her first child, Jany ♂ paid some
bride-cattle to her kinsmen and
the ceremony of invoking the cattle
was performed to legitimize the
union. Jany ♂ also married
Nyaluak ♀—Gai ♂ by whom he
had a daughter, Nyabiel ♀. On
Jany's death his son, Karlual,
cohabited with this woman but she
died at his home without having
borne more children. Karlual ♂
brought up her daughter but she
died recently while betrothed to a
Jikany ♂ tribesman. When Jany
♂ died he was betrothed, but not
married to Nyading ♀—Thiep ♂.
Following the usual practice this
woman was therefore married to
his name after his death (*Caa kwen
jokde*) by one of his sons, Gwanbul ♂,
to whom she bore Jor ♂, Nyagaagh
♀, Nyangir ♀, and Nyabilieu ♀.
She died last year, Gwanbul having
been killed in war some years earlier.
Jany ♂ lived originally at Puic but
when the fighting between the
Riaagh and Doang sections com-
pelled the Riaagh people to move to
Lual country, Jany came with them.

Children of Jany

Children of Kethwar

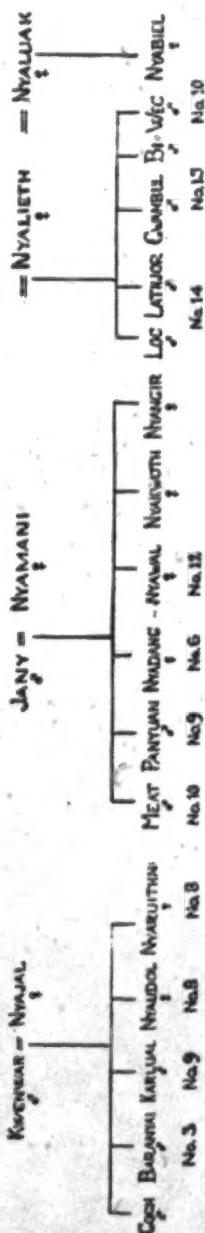


Diagram X

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In the case of Nyajal there were a number of circumstances highly advantageous to the genitor of her children. Kwenwar had died without leaving brothers or sons behind him, his other wife and her son having died also. There were, therefore, no close kinsmen of their pater with strong enough feelings of kinship towards Nyajal's children to claim their custody. Absence of close paternal kinsmen also meant that there was no magnet to draw the sons away from their genitor, for a youth who might desert his genitor and foster-father to take up residence with a full brother of his pater would not desert him to reside with a more distant kinsman of his pater, for this man would not feel that he stood towards him in the place of a pater. Moreover Nyajal remained with her lover and did not wander from place to place as some widow-concubines do, so that the group had all the stability of a simple legal family.

It was therefore possible for Jany to bring up his family free from outside influence. When Nyajal's eldest daughter was married Jany made a declaration at the marriage talk: "These are the children of my loins and I brought them to manhood. It shall not be said that they are the children of any man but Jany. Therefore I shall take as my portion of the bride-cattle a cow and a calf and an ox for my loins and, besides these, a cow of the spirits shall be mine." And by this it shall be known that the children of Kwenwar have a right (*cuong*) in the cattle of my daughters' marriages. But if I do not receive a cow of the spirits they will have no right in the cattle of my daughters' marriages. They shall be counted the sons of Kwenwar and not the sons of Jany. But let the people in the byre hear: they are the sons of Jany and have rights in the cattle, for I will take a cow of the spirits, and no man shall point to them and say 'They are born of a widow-concubine' (*ce ka de nyuoth lak*).

This speech of Jany, recounted to me by one of his sons, contained the following implications: I begat these children and brought them up and the kinsmen of their pater have taken no interest in them. Therefore, as begetter and foster-father of the girl about to be married I want as my share in the bride-wealth not only a cow and its calf and an ox for having begotten and nurtured the bride, but I also demand a cow to be dedicated to the spirits of my lineage to show that I am really her father. If my demand is accepted then I agree that in the marriage of my daughters by my other wives the children of Kwenwar whom I have begotten shall have the same rights as my own children in their bride-cattle. When the bride-cattle are being divided we will not regard them as Kwenwar's children but as my own children. Thus we shall give them rights in the bride-wealth (*cuong ka*).

Normally, the "cow of the spirit" would go to the pater, or his heir, as a dedication to the spirit of their lineage so that when Jany asked for it to go to him to be dedicated to his lineage he was suggesting that his status should be recognized as that of pater rather than that of genitor. In law the sons of Kwenwar need not receive any cattle of the bride-wealth of daughters of Jany by other women because the "cattle of the father" would go to the legal sons of Jany and the "cattle of the mother" likewise. The recognition of Jany as a kind of pater in respect of bride-wealth

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would therefore be balanced by the acceptance of the sons of Kwenwar as though they were the sons of Jany in division of bride-wealth.

The children of Kwenwar and the children of Jany are figured in Diagram No. X. As previously explained, the persons shown there as the children of Jany by Nyamani are legally the children of Col, the father of Jany. However, in the village they are always known as *gaat Jany*, "the children of Jany" and their womenfolk always speak of *kon man gaat Jany*, "we, the womenfolk of the sons of Jany". At the present time the distinction is entirely one of nomenclature since Jany married Nyamani in ghost-marriage. Likewise in the same diagram the children born of Nyading who was spouse in ghost-marriage to Gwanbul, a son of Jany, who took her in marriage to his father's name, are omitted. For we are now treating of bio-social actualities rather than legal configurations and these actualities can be understood better if all legal configurations, other than those strictly relevant to the particular problem being discussed are omitted.

How strong are the ties of legal affiliation where the pater belongs to one clan and the genitor to a different clan may be seen in a difficulty that arose between the sons of Kwenwar and the sons of Jany during my residence at Nyueny. The sons of Kwenwar said that as several of their wives and children had died in recent years they intended to move to Lang country, to the home of the kinsmen of their pater. The sons of Jany are opposed to this move. They say that they have always accepted the sons of Kwenwar as brothers, and that they have always treated them as such in division of bride-wealth. They have always given them the support which brothers are supposed to render to each other. They now recollect with bitterness all the bride-cattle of their sisters that they have so generously divided among the sons of Kwenwar, for on the marriage of each of their sisters the sons of Kwenwar have received a share of "the cattle of the father" when it would have been to the advantage of the sons of Jany to have treated them as members of a different family and lineage, a social distinction which they are now putting forward in favour of their contemplated move.

Panyuan ♂ told me that if the sons of Kwenwar move this principle of share and share alike will be abandoned and that in future each of the two legal families concerned will insist on their strictly legal rights (*cuongde*). The sons of Kwenwar will no longer profit by their generosity. They may ask for what is their legal due but will receive no more. According to Nuer ideas they might claim a cow or two on the marriage of Jany's own daughters even if they could not insist on their claim. But, in fact, they have received the major part of the bride-cattle of each daughter, because, being the eldest sons, they were the first to marry. Panyuan ♂ felt very sore at their talk of departure and recounted to me in detail all the cows and oxen they have received from the sons of Jany.

Baranyai ♂ is the most anxious to move. Panyuan ♂ told me that Baranyai ♂ thinks if the sons of Kwenwar go to Lang country they will be among their true kinsmen, but that they will find that the sons of Jany are their real kinsmen when they have lived there a short time. They

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will soon discover that no one in their pater's home cares about their welfare. Then they will return to their brothers, the sons of Jany. "For a man thinks that he will profit himself if he goes to a distant country but there comes a time when he remembers the place where he was born and his heart yearns for the place of birth and he returns there".

If Baranyai ♂ departs Karlual ♂ will certainly accompany him and will take his son, Tang ♂, with him. His other son, Gai ♂, would like to accompany them but he is looking after the herd of his aunt, Nyaruithni ♀ and, although she is a daughter of Kwenwar, she refuses to leave the village so soon after her daughter's death by lightning. If her brothers go she will probably follow them in the next two or three years and then Gai will accompany her. Possibly Gogh ♂ will join them also.¹

Thus, although in everyday speech, all these people call themselves children of Jany and not children of Kwenwar so much so that Karlual could tell me the ascendants of Jany in full whereas he knew very few of the ascendants of Kwenwar yet they belong to distinct lineages, clans, and even tribes. Though people have always regarded them as a single family, yet they belong to two distinct families, and not only in a formal legal sense, for we see how strong an influence legal descent may be in influencing behaviour when these sons of Kwenwar wish to depart to the home of a pater whom they never saw and of whom they know very little and to reside among kinsfolk who have shown scant interest in their concerns.

For had Kwenwar close kinsmen they would have visited "their sons" and might have taken them from Jany and brought them to their father's home. At least they would have got to know them so well that when they grew up they would have known that they would receive a welcome from familiar kinsfolk and would receive the full privileges of close agnatic kinship should they come to live among their paternal uncles and cousins. But the surviving kinsmen of Kwenwar were distant kinsmen and they only visited Jany and his sons when cattle were due to them on the marriage of his daughters by Nyajal. Consequently they were brought up as sons of Jany and to regard the Juak clan as their own people.

While Baranyai ♂ talks of going to his pater's country he asserts a principle of paternity that he denies when he says that he wishes his natural son, Galuak ♂, to accompany him. Though Galuak's legal brothers, the sons of Dit ♂, have not objected to his living with Baranyai it is village opinion that they will strongly oppose his leaving their village. They cannot compel him to remain but they can use the strong appeal of kinship to persuade him. Thus Yang ♂, of Homestead No. XIX, said to me about Galuak: "His mother is with us. She is the wife of our people. He will remain with us and build himself a byre and be among his father's kinsmen". Yang said that Galuak will not live with his brothers but will remain in their village among the Riagh people who married his

1 Gogh ♂, who is married, lives in the neighbouring hamlet of Nythiang, of the Riagh lineage. He and his brothers lived here after leaving their original home at Puic. When his brother came to Nyueny, Gogh ♂ decided to remain at Nythiang for the time being.

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587 mother. I expect that if Baranyai moves Galuak will accompany him
588 but that, if Baranyai does not return to Nyueny, Galuak will one day by
428 himself.

593 Nuer say that it is always the same with sons of widow-concubines. One day a longing to join their kinsmen overcomes them and they leave their genitor. When Nhial was talking to me about this subject he said: "Look at the sons of Gwanbul, Thak ♂, and Thor ♂, whom he begat by Nyanor ♀—Let ♂, the widow of Doub ♂—Mayan ♂. The sons of Jany brought them to manhood and now where are they? Have they not gone to live with their own people in Jikany country? When they visit the brothers of their father (genitor) is it not to beg for a gift?"

I have mentioned that the future residence of the sons begotten by Panyaun will largely depend on the attitude of their mother. Also in Galuak's case the fact that his mother will remain at Nyueny among her husband's people is likely to prove a decisive factor in persuading her son to return there also. A genitor has small chance of keeping the children if he cannot keep the mother. A case in point is that of Juan ♂. Nyawal ♀ (Homestead No. XII) was married to a Ngwol man called Lam ♂ to whom she bore two children. On her husband's death she went back to her own people, the sons of Jany, and in their village cohabited with a Jikul man named Juan ♂ to whom she bore six children. Juan ♂ is now blind and lives among the Jikul because Nyawal ♀, by this time too old to bear more children, quarrelled with him as widow-concubines so often do with their lovers, according to the Nuer, for "when a widow-concubine has finished child-bearing she has no more use for her lover". As his children have been brought up by their maternal uncles they remained with their mother.

In this case the weakness of the natural family is well shown, because if Juan had been their legal father, or even a legal substitute for their father, the sons at any rate would certainly have followed him and left their mother. As it is they feel that their genitor's people are not such close kinsmen as their maternal relatives, for relatives of a genitor never acknowledge his children as true kinsmen, for they belong to the lineage of their pater. People say that since Juan is now blind he will come to live with his sons at Nyueny because he is very devoted to them, and they to him. Bilieu, the eldest son, was clearly fond of his father and it was touching to see his younger brother, Ghuth, leading his blind father from place to place when he visited the village.

A genitor is by no means an unimportant person in Nuer society. Even when he has had little to do with his children he is united to them by a mystical bond. If he feels ill-disposed towards them he may by mere disposition cause them an injury. In very favourable circumstances the children may be initiated and married from his home and have filial regard for him alone. If circumstances are not favourable and his sons desert him they will often visit him, sometimes spending a season at his home. Whichever group a youth joins, his pater's, his genitor's, or maternal uncle's group, the members of the other groups will not refuse to help him if he is in difficulties, for even with his genitor's people he has

SOME ASPECTS OF MARRIAGE AND FAMILY AMONG THE NUER 61

a kind of kinship. Very often when a man has no legal children of his own he will join his natural children in their pater's village, as it is suggested that Juan will do and as Luak, the father of Rainen and Dol (Homestead No. VI), did. 587
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A youth often asks his natural father for a gift. In fact *liem*, the begging of a gift, is considered highly typical of this kind of father-natural son relationship, particularly when the son wants to marry, for he may then ask his father for a cow. I was told that "The father will not care to refuse his request for it is his own son who makes it". If he can afford it he may even give him two cows. The son is not demanding a right (*cuong*) but a privilege by an appeal to affection (*liem*).

A man respects the totemic and other spirits of his genitor and he will not marry into his genitor's lineage. If the bond between a man and his natural son is a very strong one they may act towards the kin of their genitor on the same pattern as they act towards the kin of their true agnatic kinsmen, e.g. in assisting them to pay compensation for homicide and to pay bride-wealth. Natural descent is also recognized in performance of ritual. Thus at a ceremony I witnessed at Nyueny in honour of the ghost of Yoah (Homestead No. VIII), Dol sacrificed a goat. Dol was a natural son of Luak who was related to Yoah.

XI

Something has been said about the relations between sons and "fathers" in simple legal marriage, in ghost-marriage, in leviritic marriage, and in widow-concubinage. It remains to say a few words about the relations between a *gat keaka*, a son of an unmarried concubine, and his pater (his genitor becomes such after he has paid a legitimatization fee). His position is very different from that of a *gat laka*, a son of a widow-concubine. "A *gat keaka* is your own son". So long as you are kind and generous to the boy he will not desert you, for you are both his genitor and his pater and if he deserts you he has no other "father" to whom he can go. Thus Karlual (Homestead No. IX) has two natural sons: Twong and Kong. At present they are living with their mother in Rengyan country. When Twong said that he wanted to go to his mother, Karlual without demur told his grown-up son, Tang, to take him to her, knowing that the boy would soon return, "Because he is old enough to know his father and when he returns he will not leave his father, for when his father kills an animal he will keep meat for him to eat and when food is served in the byre he will call his little son to eat with him". When I asked Panyuan whether the mother would also return he said: "She has gone to her brother's house and there another man will cohabit with her and if she has children by him she will remain with her children. But if she has no more children one day she will come back to Karlual, so that she may be with her sons."

Nevertheless, neither a *gat laka* (son of a widow-concubine) nor a *gat keaka* (son of an unmarried concubine) are so strongly bound to their genitors as a *gat ghok pany* ("a true child of cattle" i.e. a child born in the union of simple legal marriage). If a boy born of an unmarried con-

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cubine is dissatisfied with his lot in his father's home, or if his father dies, he may go to live with his mother's people, by whom he is often brought up before he is initiated into manhood. Thus Riek (Rwac) (Homestead No. XX) was brought up at his maternal grandfather's home and has only recently come to live in his father's homestead in order to be initiated there. I was told that he will continue to pay visits to his maternal grandfather's village, but that if he is satisfied with his pater's home he will make it his permanent village. As a matter of fact I received the impression from several small incidents that this particular boy was lonely and not at his ease with the other boys of his pater's kraal.

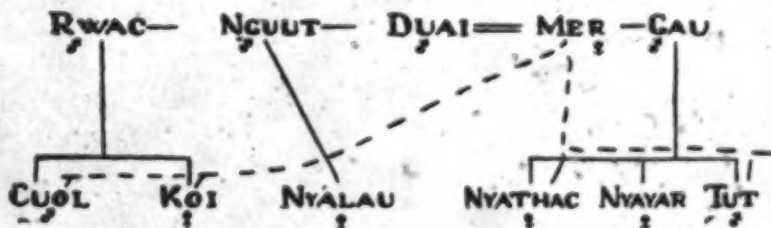


Diagram XI

On my first visit to Yakwac in Lou country a youth called Cuol was a member of the household of Cam, in whose byre he slept. Cuol was the son of an unmarried concubine called Mer ♀, the sister of Dar, the pater of Wia whose circumstances have just been related. Cuol was therefore living with his mother's people while his mother was living with her latest lover in Jikany country. Mer's history is so typical of the adventures of unmarried concubines that I show it in Diagram No. XI. She was first married by a man called Duai who divorced her before she conceived. She thus reverted to the status of an unmarried girl but instead of being married again she went to live with a lover, Nguut ♂, to whom she bore a daughter, Nyalau ♀, who has died. Mer ♀ then left Nguut ♂ and went to live with another lover, Rwac ♂, to whom she bore Cuol ♂ and Koi ♀. She then went to live with Gau ♂ at whose home she still resides. To Gau she has borne Nyathac ♀, Nyayar ♀, and Tut ♂. In 1931, Cuol was living at Yakwac where we always spoke of him after his mother's name: Cuol ♂—Mer ♀. Nevertheless, he often visited his mother and the people of Yakwac did not regard him as a full member of the hamlet since he possessed no cattle there and might at any moment go away to live with his mother and never return. This is precisely what happened. In 1935 I missed him at Yakwac and was told that since he had had relations with a girl betrothed to Wia, and with whom Wia himself was having relations, he had not returned to the hamlet. Cuol's action was not only a breach of kinship standards but was also incestuous, since Wia was legally, though not biologically, his mother's brother's son.

[835]

FAMILY LIFE IN NUERLAND

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by the children falls to her. When just a little girl she must take a gourd and carry water, learning to balance it on her head. She must help to care for the baby, carrying it astride one hip, with her arm around it. Cane-stalks must be brought for fuel, or she may accompany her mother when she goes to the forest to get wood. She gathers sticks of wood, binding them together with grass, and carries them home on her head. Or she may accompany her mother when she goes out to cut grass for roofing the houses. She early learns to carry her burden poised on top of her head. 857 18547

As she grows older she learns to pound dura and to sift and cook it. She learns all the art of the Nuer house-keeper and, indeed, soon becomes a small replica of her mother.

The little girls play 'keeping house' and imitate their mothers to the best of their ability.

The older girls of the village usually have a house given [515] them for sleeping quarters.

As the girl grows older she learns to smoke the family pipe and becomes as attached to it as her mother is. [276]

When she is twelve or thirteen years old she begins to observe the age-old customs which until then she has been able to ignore. For instance, now she must never eat before a boy of her own age or older. Furthermore, she must never see him eat if there is any possibility that he may some day be a suitor for her hand in marriage. [264]

She bleaches her hair and adorns her body with all possible ornaments. She dons her grass skirts and attends dances now. Her father and brothers are interested in giving her beads and other ornaments, for a well-favoured girl will bring more cattle when the marriage price is discussed. Her father and brothers are dictators as to what she may do and as to what plans may be made. 857 593

857 for her future. She must do as they say or pay for her
 593 refusal by beatings from them. Her lot is not a pleasant one if her desires conflict with the plans of her father or brothers.

164 If she has been a victim of that dreadful tropical disease, yaws, and has any ulcer caused by it, her brothers may take her to the nearest medical aid—either to the [743] Government or mission clinic—and seek healing for her, for they will be at a decided disadvantage in obtaining the marriage price they seek if their sister is still suffering from this disease and has unhealed ulcers.

Or she may have trachoma and may have suffered for years from trichiasis, and now they seek medical and surgical aid for this. What man will want a half-blind wife or be willing to pay any reasonable number of cattle for her? But when these physical defects are remedied, they may hope to get the usual number of cattle for her, and that, to them, is the major point.

593 Their sister must be physically able to bear a living,
 583 healthy child and regain her own health. Or, if she fail repeatedly in the first point or possibly fails to survive the ordeal of child-birth herself, her husband and his people may, and practically always do, ask for the return of the cattle which they paid as the marriage price.

So it is worth their while to invest the price of a sheep or two in securing physical health for their sister in order that she may bring them a greater number of cattle, and that her physical condition may not cause them to have to return the cattle they have received for her.

Her lot may be a most unhappy one if the man she loves has not the number of cattle her people desire or if they wish her to marry some one else. But if her health is good and her desires in regard to her future husband coincide with those of her family, her lot is a happy one.

38 COURTSHIP, MARRIAGE, AND THE BABY

584 One speaker at a time presents his arguments. If a relative of the bridegroom, he must try to get the girl for the least number of cows possible and still laud the girl as if she were worth many more cattle. The statements made by the bridegroom and his relatives are worthy of more praise than they usually get.

Each speaker carries the wedding stick as he talks, twirling it in his hands as he paces up and down between his hearers and waxes eloquent over his subject.

The relatives of the bride argue that such a fine girl as she should bring a maximum number of cattle, and they may specify which cattle they want if they know something of the cattle belonging to the bridegroom and his relatives.

The arguments continue and may even be resumed another day. Finally, if terms can be fixed that are agreeable to both parties, the argument is concluded (Fig. 10). But before the final decision, the bride is called and she states whether she agrees or disagrees with the decision arrived at. If she assents the bridegroom makes plans to collect his cattle and bring them, while the girl's people prepare for the wedding dance, for much food must be prepared as well as a good amount of the drink they make from dura.

But if the bride-to-be should disagree with the decision arrived at by her family and refuse to marry the man of their choice, her lot is not likely to be a happy one until they reach some sort of agreement (see Chapter VII.)

584
593 Possibly her brother is anxiously awaiting her marriage so that the cattle received may help him out in his own wedding plans. So he will not be inclined to listen to any objections from her which may mean the postponement of his own cherished plans. He may decide to discipline his sister by means of a good beating and may repeat it if

COURTSHIP, MARRIAGE, AND THE BABY

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the first dose does not bring the desired result in the form of her assent. Scolding is also resorted to, her lack of regard for her people being especially urged. 584-593

She may be strong enough in her determination to withstand the beating, but many girls succumb to the combined beatings and scoldings. She is then willing to send word to the groom that she assents to the family's arrangement for her future, but that assent does not imply that there is any willingness to be his wife or any love, but merely an assent to the marriage because of the persistent insistence of her family.

Sometimes, if the bride is very persistent in her objections, the bridegroom may withdraw his offer, not wanting a wife who will be so unhappy with him.

But if her objections are not too violent, the family usually depend upon scoldings and beatings to silence her, and the plans for taking her to her husband's village proceed. When she has gone to her husband's house, and if she is still persistent in her objections, he may beat her and his people may put thorny branches in front of the door, thus blockading her way of escape should she resist him. But they tell me that these cases are rare.

Many weddings take place in the dry season before the people go to the fishing camp. [585]

If the girl has jilted the man who has paid cattle for her in order to take the man of her choice, as I describe in chapter VI, the wedding dance is not held, and there is no set time for giving her the garb of the married woman. She usually does not wear the beads in her ears that are the insignia of her married status. Keeping quiet and letting the commotion they have caused subside seems to be the object. Sometimes they have the wedding dance when the child is a year or two old, but it may be dispensed with entirely. 584

42 COURTSHIP, MARRIAGE, AND THE BABY

582 in turn helps the brother just younger than he, and so on until all are supplied with the wherewithal to get married.

The oldest daughter in a family is likewise given in marriage before her younger sisters.

Should a man have children by two wives, if one wife dies, her son—even though he may be younger than the sons of the other wife—may be allowed and helped to get married before they do, the object being to supply him with a housekeeper as speedily as possible. His half-brothers are not supposed to be in as urgent need since they have their mother to cook for them.

593 After a wife goes to live with her husband permanently,
837 if he suspects that she is paying attention to any other man, he will probably beat her; or he may beat her for any other reason if he so desires. He finds his spiked bracelet specially useful at these times.

594 The greatest desire of a Nuer woman is for children. She realizes that as long as she can bear her husband children he will care for her. Should she fail him in this her position is insecure, and he, no doubt, will try to get another wife who will be able to give him his heart's desire. The mother also realizes that her children will care for
[595] her in her old age, even if her husband does take younger wives, so her children make her position in old age secure.

603 The oldest daughter (when several years of age) goes to live with her grandmother on her mother's side, providing her mother is the oldest daughter of her grandmother, or possibly this child may be the first grand-daughter. So the grandmother is assured of help in her old age.

CHILDBIRTH AND AFTER

843 One frequently wonders how babies do manage to live in Nuerland, when one considers how little care the mother receives at the time of their birth.

RELIGION, SUPERSTITIONS, AND MORAL LAW 39

They have a definite code, just as strict as any we may devise, but the emphasis is placed in entirely different places. 000

The Nuer does not live to himself. He is a member of his family, and his actions must be in accord with Nuer law as recognized by them. For should he transgress, he is sure to need their help. 593 ●

Laws regarding sexual relations are decidedly lax according to our western standards. Many young men do not marry the mothers of their firstborn. Illicit relationship may exist between boys and girls. But when a girl reaches marriageable age she is usually under closer surveillance than before. 836

When a girl for whom part of the wedding price has been paid by a man whom she does not wish to marry, is dissatisfied with the arrangement made by her people because she cares for some more desirable and possibly younger man, there is only one way for her to cancel her engagement and thus free herself in order to marry the man of her choice. And this way is fraught with danger which may threaten for some time. 584.

She will bear a child for the man she loves, and when her condition becomes known, her engagement to the man of her father's and brother's choice is automatically cancelled. Then for a time there is trouble. Her first lover wants his payment refunded at once. Her family want the marriage price from the man of her choice at once. Very probably he has not got it, so he takes the best way out of the situation (for him) and flees to some distant village, where he has friends or relatives, until the anger of the girl's people cools a little and they are more inclined to listen to him.

This is one of the times when he is thankful that he may depend upon his family and friends to help him out. They may or may not approve of his conduct, but they

SOUL AND GHOST

III

When a ghost comes to trouble the living it is said to *cien* them. 775
 It is useful to discuss this concept in the light of another, that of 789
biit, to curse,¹ because the two are closely connected, the ability
 of a ghost to harm being the *post mortem* operation of the pro-
 jective power of the psyche, the power to harm another through
 the mind and the heart.

The curse of certain persons in Nuer society is believed to be 789
 effective if they have been wronged. If they utter curses without
 due cause (*cuong*) the curses will either be ineffective or harm the
 speakers of them. A man curses another by uttering an invocation
 (*lam*)—which in this context is an imprecation—over, or about,
 him; and Nuer distinguish different kinds of curse by reference
 to the relationship of the persons implicated in it—*biit gwan*,
 the curse of a father, *biit nara*, the curse of a maternal uncle, *biit*
kuaara, the curse of a leopard-skin priest, and so forth. Some of
 these curses are regarded as weightier than others.

The curse of father or mother is serious. A man may curse his 789
 son for constant disobedience and for meanness, especially for 593●
 refusing him meat. Indeed, any old man may curse a youth for [561]
 refusing him food, because both in a general sense and in terms of
 the age-set system all youths are sons to the aged, but his curse
 would not be as weighty as that of the true father. 'A father's
 curse is to hunting, to fishing, and to hoeing, but he will not curse
 him (his son) to cattle.' The youth may then miss his mark in
 hunting, fishing, and war, and his crops may fail. He may also
 injure himself in these occupations, or suffer one of the many
 possible misfortunes that beset a traveller, both in the literal sense
 of mishaps to one on a journey and in the figurative sense of evils
 that face a man on his journey through life, which the Nuer, who
 have a liking for meiosis, speak of collectively as 'thorns'. At its
 worst the curse of a father or mother may be a *biit liagh*, a curse
 which results in death. However, 'a father will not curse his son
 to cattle', because the cattle belong to the lineage and if he caused
 them to die he would only be harming himself and his kinsmen
 and ancestors.

¹ A *biit* is a curse in the sense of consigning a person to misfortune and not
 in the sense of swearing at a person, which is *kwith* or, where there is a joking
 relationship, *leng*.

SOUL AND GHOST

789 A mother may curse her son for neglect, especially when she
 593 is old and must rely on others for support, or for divulging her
 hiding-place to her husband if he is angry with her and seeks for
 her to chastise her. A mother's curse may have the same effects
 as a father's curse; but it is thought that, in addition, it has
 the particular effect of preventing the son from begetting male
 children. A mother's curse may thus injure the lineage, and in
 this respect her curse is more like that of the mother's brother
 than that of the father. I have also been told that a mother may,
 because she loves a son who has wandered to a distant country,
 curse him mildly so that he may suffer some minor sickness which
 will put him in memory of his home and cause him to return to it.

789 The curse of a mother's brother—at any rate that of a mother's
 604 uterine brother—is also greatly feared by Nuer, for he, unlike the
 father, may curse a man 'to cattle', so that he loses his entire herd.
 Nuer seem to regard it as the worst of all curses and they recognize
 it as a strong sanction behind the demands of their mothers'
 [753] brothers, where these are just. A sister's son who fails to carry out
 certain duties or who fails to observe certain interdictions concern-
 ing his mother's brother may develop a disease called *keth*
nara (disease of the *nar*, mother's brother), which may be fatal.
 Nuer describe it as '*cere ke biit*', 'like to a curse'. People say that
 [603] the curses of father, mother, and mother's brother are the worst,
 though that of a paternal grandmother is also said to be bad, and
 [593] it is said that the curse of an eldest child is feared by his parents,
 especially his mother, and by his maternal uncle; in certain cir-
 cumstances a sister's son, especially the eldest son of the sister, may
 curse his maternal uncle's herd. The only other kinsfolk of whom
 I have been specifically told that they may curse a man, in the
 sense that one may speak of a curse of the kinship category in
 which they stand, are the father's sister and the mother's sister,
 and Nuer say that these are very small curses and they do not
 therefore give them much thought; but a person standing in
 any social relationship to another may curse him if he has been
 wronged by him. However, the more distant the relationship the
 less effective the curse, because the less the obligation and there-
 fore the less the wrong.

789 A run of misfortunes may be attributed to the curse of one of
 593 these relatives. I tell one story in illustration. Luak, a man of the
 Leek tribe, refused to stay at home and help his father Thicjok to

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herd the cattle and hoe the gardens, but spent his time attending dances and courting girls. He wandered about the country having a good time, and when he returned home it was only for a meal. He would be off again next morning. One day his father, in exasperation, cursed him, saying that he would never have a wife and children and would live to a great age to lament that he had no sons of his own in whom he would be remembered but only children he had begotten by the wives of other men. So it happened. Luak never married, though he begat two sons by a widow-concubine. When he died he left ten head of cattle with instructions that Dol, the second of his natural sons, was to marry with them a wife to his name, so that he might have sons called after him. That year all the ten animals died of rinderpest; so that people said that the curse on Luak went on acting after his death. The father's curse was here not in the first instance 'to cattle' but 'to sons', although in the sequel its purpose could only be achieved by the death of the cattle. Dol told me that, as he has now enough cattle, he would like to marry a wife to his genitor's name but fears to take steps to do so lest the cattle die. He had decided that it would be prudent to marry first a wife for himself and then, if ever he has again enough cattle, to make a second marriage in the name of his natural father.

Other specified curses among the Nuer are those of the *ric*, the age-set, and of certain religious personalities, the *kuaar muon*, the priest of the earth (the leopard-skin priest), the *wut ghok*, the man of the cattle, and the *guk*, the prophet (Chapter XII). If a man wrongs a member of his age-set, as by committing adultery with his wife or by not assisting him when attacked by strangers or when wounded, the wronged man may utter an imprecation, saying 'as if we did not look at this sun together' (when lying on their backs awaiting the cutting of the marks of manhood on their foreheads), and Nuer told me that it may well have lethal consequences. A leopard-skin priest can curse a man who obstructs him in the exercise of his functions as peacemaker in fighting and feud. On account of his mystical connexion with the earth his curse is believed to be particularly harmful to the crops, though it may cause other misfortunes as well. In his imprecation he may forbid the man he curses to plant in his earth and tell him to beget his children in the tree-tops and herd his cattle in the sky. The *wut ghok* has ritual functions in connexion with cattle and his

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613 cattle, and the portions of ivory or the cattle are divided among
 614 those relatives of the spearsmen who receive cattle of bridewealth
 224 and bloodwealth and the flesh of sacrifices. Those standing in a
buth relationship to the spearsmen also have rights in the tusks.
 This means in practice that a section of the tusk, or its equivalent
 in cattle, goes to the particular *thok mac*, minimal lineage, of the
 spearsman's clan to which the *gwan buthni*, master of ceremonies,
 of his family belongs, and it is this man who gets it.¹

782 Each family has its master of ceremonies, who is a member of
 613 a lineage collateral to that of its head and therefore one of his
 593 distant agnatic kinsmen. A son takes his father's place in this
 service. The same man may act on behalf of the heads of several
 families of the same minimal lineage, and one of his close agnatic
 kin may act in his stead, since he carries out his functions not as
 an individual but as representative of a group. The office is not
 necessarily reciprocal, for a man may act as master of ceremonies
 to a family of one collateral lineage and have as master of cere-
 monies to his own family a man of a different collateral lineage.
 Also, a family may have more than one master of ceremonies, the
 second belonging to a different collateral lineage from the first.
 Moreover, it would seem that if one of the persons who usually
 acts in this capacity is not available his place may be taken by any
 distant kinsman who can be held to represent him. Nuer are very
 latitudinarian in such matters; but the point we have to note is
 that on certain occasions a whole clan or large lineage offers up the
 sacrifice, and the officiant ought then to be someone outside the
 family and close kin most immediately concerned who represents
 the interest of the wider group, which participates in the sacrifice
 through him.

782 A master of ceremonies functions at weddings, mortuary and
 613 *colwic* ceremonies, settlements of blood-feuds, adoptions, initia-
 tions, severings of kinship to allow intermarriage or cohabitation,
 the building of new byres, and the division of elephant tusks. On
 these occasions he calls out the clan or lineage spear-name and
 then makes an invocation, usually prior to animal sacrifice. By
 calling out the spear-name he identifies the whole clan or lineage
 with the offering. When the victim has been killed he cuts through
 the scrotum (*juak tem*), this being the commencement of the skin-

¹ See also P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945.